# COLORADO SPRINGS GAZETTE.

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## IN ANNUAL SESSION.

National Organizations Holding their Annual Meetings.

Doings of the Knights of Pythias in Conclave at Milwaukee.

Yesterday Among the Elks Gathered in Cleveland, Ohio.

Interesting Papers Read Before the Educational Society.

### Carnahan Reviews Them.

MILWAUKEE, July 9 The review of the Pythian army by General Carnahan this afternoon at Cold Springs park was the event of the day. Thousands of people gathered to witness the review. General Carnahan, surrounded by his staff, took his position in front of the grand stand. The large Wisconsin brigade came first, followed in rapid succession by the men from other states

The prize drills began to day and will be continued every day until finished In the election of officers to morrow George B Shaw, of Eau Claire, Wis, will be chosen supreme chancellor Omaha is said to be ahead for the place of next meeting

### Expelled by the Elks.

CLEVELAND, O., July 9.—The grand lodge of Elks was in continuous session to-day from 9 until 6 o'clock, when recess was taken until 8 o'clock When the doors were opened this evening it was announced that Arthur C Moreland, negro comedian, grand secretary, and New York lodge No 1 had been expelled from the order.

The entire day was devoted to the New York matter and the discussion was at times personal and boisterous. Judge Leroy Andrus of New York talked a great deal for New York lodge No. 1. He wanted the grand lodge to take a recess to meet in Buffalo on Thursday for the purpose of selecting grand officers This motion was defeated The case of the New York lodge and Moreland was then taken up, and after a long and heated discussion Moreland and lodge No. 1 were expelled by a unanimous vote.

At the evening session Samuel Quinlan, of Chicago, was elected exalted grand ruler, and other officers were also elected

### Educational Association.

ST. PAUL, July 9 The national educational association reassembled this morning. Several papers were read among them being one by Prof. Charles DeGarmo, from Illinois, on will training Superintendent W. H. Maxwell, of Brooklyn, N. Y., presented a paper on examinations as tests for promotion.

During the afternoon there were seven meetings of educational departments in various parts of the city. The department of musical education met in the People's church, being presided over by Herbert Griggs, of Denver, whose opening address was a comparison between the old and new methods of teaching music, in which he strongly urged the need of making a musical atmosphere in the school room and having all things harmonious in that way to foster the advancing pupil

The evening session was wholly in charge of the ladies. Some interesting papers were read. The committee on nominations for officers of the association will report to morrow morning for president William R Garlett, of Nashville, Tenn; the present secretary of the association for secretary; and E H. Cook, New Brunswick, N. J., for treasurer. Miss Frances Willard read the closing paper of the evening on "The White Cross Movement in Education."

### Fifty-First Congress

SENATE.

WASHINGTON, July 9 The senate bill to authorize the secretary of the interior to convey to the Rio Grande Junction railroad company certain lands in the state of Colorado (29 acres) in lieu of certain other lands in said state conveyed by said company to the United States, was taken from the calendar and passed

The presiding officer announced his signing of the bill for the admission of Wyoming. The bill now goes to the president for signature.

On motion of Blair the senate proceeded to executive business.

The doors were re opened at 1 o'clock and the sundry civil appropriation bill was reported. Allison stated he would ask for consideration of the bill to morrow and consideration of the conference report on the silver bill was resumed.

Cockrell continued his argument against the report He criticised the last clause of the second section of the conference bill and said the language therein indicated a preference for a single gold standard. The secretary of the treasury would so interpret it and gold would be given the preference and legal tender notes would be redeemed in gold

Teller controverted this assertion.

Jones of Arkansas read an extract from yesterday's New York Evening Post, a paper opposed, he said, to silver legislation in all its forms, to the effect that the conference report contained some features not embraced in either the house bill or the senate bill, and tending to make it a better measure than either. It also stated that in their purpose the silver men had been "foiled."

Cockrell said that under the conference report the secretary of the treasury could lock up in the vaults of the treasury every silver dollar, and that was the most dangerous power given to a secretary of the treasury since the foundation of the government.

Platt "Does the senator mean to say he would not give the secretary of the treasury discretion as to which coin he would pay in?"

Cockrell—"I certainly would give him that discretion, but I would say only: 'Redeemable in coin'"

Platt "That is all there is to say."

Cockrell "That is true, but there is with it a declaration which is a fatal thing, and that is that the gold standard still exists and must be maintained" Taking up the third section of the conference bill Cockrell entered "a most earnest and solemn protest against it," as meaning the practical cessation of silver coinage, after July, 1891.

Cockrell Said the senator from Nevada, seems willing to abandon the double standard and to make silver a mere commodity, to stop its coinage and to tell the people of the country he has done something for them in the restoration of a double standard. The conference bill is a total abandonment of all pretentions to a double standard

Mitchell, in the course of discussing some questions involving Cockrell's consistency, remarked that while he was in favor of the free and unlimited coinage of silver he would support the conference bill because it was all that the friends of silver could get.

Cockrell—"I believe, if the senate will reject this report the house will in the end agree to the senate bill We have made no determined effort to support the senate bill We show no backbone We show no disposition to stand by what we have solemnly done, and we give truthfulness to the assertion of the monometalists of the east that the bill was only a project to furnish a market for silver bullion"

Daniel addressed the senate in opposition to the bill. The silver question, he said, was a great deal bigger than the president of the United States, whether that president's name be Benjamin Harrison or Grover Cleveland Daniel argued that under the conference bill $30,000,000 worth of silver bullion would be piled up in the treasury every year.

Morgan took the floor but saw he could not finish his remarks to day.

An informal understanding was had that a vote be taken to morrow, and the senate adjourned

HOUSE

Hitt, from the committee on foreign affairs, reported back the resolution requesting the president to furnish the house with the correspondence between the government of the United States and Great Britain touching on the subjects in dispute in Behring sea since March 4, 1889

After some debate the resolution was adopted.

Hitt presented the conference report on the diplomatic and consular appropriation bill

In the course of the discussion, reference having been made to the appropriation made by the last bill for protection of United States rights in Samoa, McMillin declared it now appeared that the entire result of the Samoan negotiations had been to enthrone a king who had been dethroned by his people. Our representatives sent abroad for the purpose of settling Samoan matters had actually gone to the extent of overriding the will of the people of Samoa and setting up as a king a scapegoat who had been dethroned and moreover, this American administration had undertaken to pay a part of the expenses of his kingdom It was a disgrace to the American people and to the administration responsible for the negotiations.

McCreary, who was chairman of the foreign affairs committee of the last congress, said he believed we had done the best that could be done, and McMillin was putting it too strongly. If he was not satisfied with the negotiations he could introduce a bill to carry out his views, or he could call for the correspondence with the foreign nations on the subject There was not a word about Samoa in the present bill

Hitt demanded the previous question, declining to yield to McMillin who was desirous of continuing the Samoan controversy Thereupon McMillin raised a point of no quorum, pending which Rogers, of Arkansas, moved the house adjourn It was lost, yeas 76, nays 98

The previous question was ordered, yeas 103, nays 11 The speaker counted a quorum, and then McMillin moved reconsideration The vote on tabling the motion to reconsider resulted, yeas 104, nays 50, the speaker counting a quorum and declaring the motion carried.

Breckinridge, of Kentucky, challenged the correctness of the count mentioning the names of Enloe, Herbert, Crain and Fithian and stating that they had not been present. Subsequently he withdrew the challenge in the names of Crain and Fithian but persevered so far as Enloe and Herbert were concerned.

The speaker, while admitting the necessity for absolute correctness in the record, stated that those members were present He stated that even eliminating the names of Enloe and Herbert, there was a quorum present and he therefore declared the motion to table carried and put the question on agreeing to the conference report. The vote resulted, yeas 111, nays 31, and the speaker was unable to count a quorum so the conference report was not agreed to for the present and the house adjourned.

### The Strikers Become Riotous.

WEST SUPERIOR, Wis., July 9. It was expected that the strike among the street laborers would be ended to-day by the men accepting the old wages of $1 75 per day. The despondency of the men was but the lull before the storm. About two hundred strikers appeared in the main streets this morning and proceeded to Twelfth street, where about twenty men were employed. The strikers rushed upon them and a fight ensued. Contractor Sutton cut one man on the arm with a shovel. The strikers chased Sutton to his house, three blocks, beating him with clubs Later in the day the mob arrived at the American Steel Barge works where they were kept at a distance with revolvers

After dinner another attempt was made to force the workers to stop. Contractor Anderson shot a man in the head, the bullet glancing and hitting a man named John Foster in the left arm The strikers then charged, but Anderson held his ground with drawn revolver. The mob threw bricks, clubs and any thing they could lay their hands upon. When the mayor and a force of special police arrived on the ground, the strikers were wild for Anderson's life. The mayor quieted the crowd by appointing a committee of strikers and a crowd of policemen to see Anderson to the city hall To night fifty citizens were sworn in as special policemen.

### No Power to Veto It.

BATON ROUGE, La., July 9 To night the lottery matter was submitted to the judiciary committee by the senate which by a vote of 8 to 3 has made a report which disposes of the matter. The report holds that the governor has, under the state constitution, no power whatever to veto the bill proposing an amendment to the constitution and speaks rather sharply of Governor Nichol's action in so doing, saying in part:

Any infringement by the executive of the constitution is alive with great and distressing danger to the liberties of the people. It is resolved, therefore, that the veto of the governor which is without authority be returned to the house of representatives and that the clerk of the senate furnish the governor with a copy of the resolution The report was adopted and so the whole matter is disposed of

### He Did Not Love Her

DENVER, July 9.—Beriba Olmstead was in love with Jim Young, conductor on the grip cars, and because he did not reciprocate she suicided with morphine Her body was discovered 24 hours after death, and on account of warm weather was in a horrible condition

## STORMS IN THE EAST.

Cleveland, Ohio, Visited by a Destructive Wind Storm.

Thousands of Dollars Worth of Damage to Property.

New England and Eastern New York Experience Storms.

Frightful Disaster Reported by Steamer from Japan.

### Storms in the East.

CLEVELAND, July 9 The wind storm which swept the city last evening was the most severe ever experienced. The first part of the storm was a number of sharp, quick gusts that wrecked chimneys, blew down trees and sent everything movable through the air Its coming was indicated by a cloud of dust, 100 feet high, which obscured the sun, and made the streets dark as midnight. Not a single object could be discerned at a distance of 50 feet. Fine dust filled the eyes, sifted into the clothing, and breathing to those on the streets was impossible without a handkerchief pressed to the nostrils Then came the rain in rushing, swirling sheets that beat down plants and caused exceedingly heavy loss to crops. In every part of the city large trees were uprooted The damage on the ore docks along the old river bed will amount to at least $80,000 The telegraph and telephone companies lost a number of wires, while the service of the fire and police department was nearly wrecked. Half a dozen yachts inside the breakwater were blown adrift, and several houses in course of erection were so badly twisted that it will be necessary to rebuild them.

VERGENNES, Vt, July 9 A terrific wind, rain and thunder storm passed over Vergennes last night, doing great damage.

ROUSE'S POINT, N. Y, July 9 At 3:30 p. m yesterday this place was visited by the worst wind and hail storm ever known here. It demolished houses, trees and upset things in general A few moments before the storm, which came without warning, the steam yacht Little Nellie left for the Vermont shore When a mile out the storm struck her and she went down. Captain George Clark, his son and Engineer Hill were drowned It is feared there were other casualities as several fishing parties on the lake have not yet put in an appearance.

WHITEHALL, N. Y, July 9 The cyclone did considerable damage at Plattsburg last night. The report that the Bluff point hotel on Lake Champlain was blown into the lake is untrue. The hotel escaped and no guests were injured.

### Terrible Disaster in Japan

SAN FRANCISCO, July 9. The steamer Gaelic brings this Japanese news At Osaka more than fifty people were drowned on June 15th during the launching of a new sailing vessel. The occasion excited considerable interest, and one hundred and fifty people crowded on board the boat. The owner became apprehensive and ordered some of them ashore. When the launching was commenced it was ebb tide and so the ropes used in securing the vessel were too short, the vessel keeled over and the people on board immediately rushed to the other side, which had the effect of turning the vessel completely over and those on board were precipitated into the water. A horrible scene ensued. Those ashore rendered every assistance possible but their efforts were generally unavailing. Fifty-five bodies were recovered and four are still missing. Twenty were more or less injured.

### The Sundry Civil Bill.

WASHINGTON, July 9. The sundry civil bill, reported to the senate to day by the appropriation committee, carries an appropriation of $31,241,680 an increase of $3,181,060 over the original bill reported and $6,552,172 less than the estimates and $5,914,338 more than the bill of last year. The most important feature of the work of the senate committee on this bill is the elimination of the appropriation of $777,500 for the irrigation survey. This provision was vigorously attacked by a number of western senators and they succeeded in defeating it in the committee The opposition was based upon the ground that its effect would be to reserve from the public domain a large amount of public land which would otherwise be open to settlement. The appropriation for telegraphic services by the geological survey was, however, increased from $200,000 to $300,000. It is provided that half this sum shall be expended west of the 101st meridian, and so much of the act of October 2, 1888 as provides for the selection and location of reservoirs and canals, and the reservation of irrigable lands is repealed. It is provided that reservoirs and canals heretofore located or selected, shall remain reserved from entry or settlement until otherwise provided for by law.

An appropriation of $500,000 is made for the establishment of a Latin-American memorial library building in the city of Washington as recommended by the pan-American conference.

### Caused by a Disregard of Orders.

BIRMINGHAM, Ala., July 9. Disregard of orders caused a collision between a freight and a passenger train on the Louisville & Nashville railroad, at a point forty miles south of this city this morning. Five people were instantly killed and a sixth fatally injured.

The killed are: Engineer, John Green, John Webb, colored, fireman; Jim Armeda and Bob Wilson and a white Pullman porter named Sear. Ben Severy, colored, an extra fireman, was fatally injured.

The passenger train had orders to take the siding at Clear Creek station for the extra freight The order was not obeyed and a mile beyond the station the trains came together in a deep cut Both engines were smashed to pieces.

### Premature Explosion.

DENVER, July 9 A Durango special to the News says. A serious accident occurred at Bailard's construction camp on the Rio Grande Southern road, 19 miles from here, yesterday. A blast which was put in a solid rock exploded prematurely, seriously injuring several men, and Frank Fitner fatally.

## FAREWELL TO AMERICA.

### Wilson Barrett Closes His American Tour with the "Silver King."

It was proved beyond a doubt last night that Colorado Springs is only a one night show town It was but a poor audience that greeted Wilson Barrett's "Hamlet" on Tuesday evening, but the crowd that assembled to hear the "Silver King" last night was all that could be desired, proving conclusively that nearly all had waited. It was not only a splendid, but a very representative audience that greeted Mr. Barrett and his most admirable company. The "Silver King" is a fine English melodrama, and has enthusiastically been called the best melodrama ever written, and certain it is that it has had a most phenomenal success It is a melodrama, but it also reaches a plain of high, sincere emotion and passion, and embodies qualities that are alike romantic and tragic. The plot of the play is unusual and complex and naturally unfolds itself, increasing with interest to the climax

The wonderful versatility of Wilson Barrett as an actor can best be understood by those who witnessed both "Hamlet" and "The Silver King" It is a long way between the moody Dane and Wilfred Denver, but the actor is equal to the leap Had one never seen Mr. Barrett in aught else than the "Silver King," the few opportunities offered by the play would be sufficient to convince one of the high pitch of dramatic power of the actor. Mr Barrett held the deep, close attention of the audience last night from his first appearance half drunk and frenzied until the curtain fell, leaving him surrounded by a happy family.

Miss Eastlake, as Nellie Denver, presented a most perfect picture of wifely fidelity and deep suffering. Her characterization is sweet, womanly, tender and hopeful, yet strong and commanding and at times rising to the heroism of desperation. Miss Eastlake has had perfect dramatic training, has great range of expression, a flexible voice under perfect control and withal power, yet in both her Ophelia and Nellie Denver there is left a feeling that she is not being seen at her best There are characters in which Miss Eastlake can rise to the heights of greatness, but not in "Hamlet" and not in the "Silver King."

A pretty bit of acting is the "Daniel Jaikes" of George Barrett, the ever faithful servant of the Denvers It was not strained nor overdone, but with the true ring and full flavor of old-time comedy. Mr. Barrett makes not only the humor but the good hearted honesty of Daniel Jaikes bubble up naturally as if from a living spring

It is seldom that a Colorado Springs audience becomes so thoroughly enthused and aroused as it did last night, and at the conclusion of almost every act the players had to respond to encores, first Mr. Barrett receiving one and then Miss Eastlake or George Barrett At the conclusion the audience got upon its feet and after the second curtain demanded a speech Mr Barrett stepped forward and made a few pleasant remarks He stated that the reason the company happened to be playing this engagement was that during a stay in Denver some weeks ago he and his party had chartered a special train and spent a day here and had become thoroughly desirous of a longer visit They had decided to break a long jump from California to England by the visit here, and had thoroughly enjoyed it He made a few laughing allusions to the defeat of the cricket team among the members of his company by the home team He spoke of the kind treatment they had all received at the hands of the American people, and said that all hope to return again and will make an effort to visit this particular spot

Mr. Barrett and party leave this afternoon for the east and next week sail for home. The jump from Colorado Springs to London is perhaps the longest ever made by a theatrical company This tour of Mr Barrett's began in Boston in October last and has been unbroken and unmarred It has been a complete triumph from beginning to end. During that time the receipts have averaged over $5500 per week the expenses being perhaps $3500 During most of the time from three to six car loads of scenery have been carried although it was mostly disposed of in California before the start for home During August and the early fall months Mr Barrett and company will appear in the English provincial cities, but in October he opens his new London play house the "New Olympic."

Last night Miss Eastlake was seen in the Barrett company for the last time. It was an error to say that Miss Eastlake has been Mr. Barrett's leading lady for fifteen years. She has been upon the stage but twelve years, the first three of which were with Chas Wyndham's company, and the remainder with Mr. Barrett. Next year she will star in England. Miss Eastlake is beautiful and graceful, but it is the beauty and grace of a fully developed woman Physically she is no longer suited to the girlish, graceful characters in the romantic plays which Wilson Barrett produces. She has gained all the fame possible to achieve as Wilson Barrett's leading lady, and is ambitious to succeed in a larger field. It is but just to say that her friends believe she will. During the years spent with Mr. Barrett, Miss Eastlake has had a splendid career, and has created some of the best known characters in the modern drama Miss Winifred Emery, leading lady of the Vaudeville theatre, will support Mr. Barrett next year

To the notable company of players who have given them so much pleasure and instruction, the people of Colorado Springs can but wish a safe and pleasant journey to their distant home, and will live in hope of another visit in the not distant future.


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Make Up the Sum of

HUMAN LIFE.

The ocean is an aggregation of drops of water; the land of grains of sand,

IT IS { The fly in your soup, The mosquito in your bedroom, The corn on your foot, The dust in your eye.

That makes life a burden As Browning says

"The little moff and how much it is;
And the little fish and what worlds away."

A Penny

Is a little thing, but a dollar is only an aggregation of pennies, and without the penny there is no dollar Fortunes are founded on pennies, hence the proverb.

*"Take care of the pennies, and the pounds will take care of themselves."*

This brings us to the point we want to make

Our Prices Are

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Manager of the GAZETTE.

We print elsewhere an interview with Judge Cochran, who was counsel in the suit for Wm. Johnson against the city regarding water rights on the Fountain. At first the city declined to recognize the water rights of others and to make a settlement, which would have been so advantageous. The city could at one time have made a settlement for $500, but instead we had a lawsuit, and it finally cost us $7,000. It was supposed after this that members of the council would understand that it was very extravagant not to recognize the rights of the owners of earlier ditches. It is rather remarkable that the city committee last year having public sentiment behind it to make any expenditure for which any good would show for any of their work did not obtain a single water right, but did lay the foundation of a large number of lawsuits.

Judge Campbell in that part of his decision regarding the "blind drain" pays his respects to our council. Speaking of this blind drain one of our citizens said that it was a distinction between taking a drink of whisky out of a bung hole of a barrel on a platform and getting under the platform and boring the barrel from underneath and so getting a drink. In the first instance it would generally be considered stealing; in the second instance it is what the council calls a "blind drain." The astonishing feature of the blind drain is that though it cost $6000 no member of the council examined was willing to father it, and none could show any practical knowledge of its purpose or construction. It was a surprising state of affairs and shows the danger of committing such great trusts to an incompetent committee with full power to act and the further right to maintain its own blunders. The decision shows a little fire when it over-rules the claims of the plaintiff regarding this blind ditch on the ground that the blind ditch did not appear to carry any water. It naturally suggests the comparison, that the work of the city water committee last year was a "blind drain" on the city treasury.

THE DECISION.

We publish elsewhere the full text of the decision rendered by Judge Campbell in the suit of Broadmoor and Albert Mathews vs. the city of Colorado Springs. Intelligent people who listened to the case believed that the decision would be against the city. But there were few who realized that the decision would be so far reaching in its effects. Practically the decision says this city has no rights either for the water in its irrigating canal or to the water in our water works system, except as it obtained these rights by priority of appropriation. As the city's ditch right is No 82 and its right for the water for its water works a later one, the decision practically says we have no water rights whatever. The injunction so far as the irrigating water is concerned is made permanent. A permanent injunction was not made regarding our water works on the grounds of public necessity, but the decision states there should be no undue delay on the part of the city in acquiring water rights. These water rights may be acquired by purchase or condemnation. Bad as this decision is for the city, it presents a way of sure and permanent relief. Inasmuch as it has been impossible to make our water committee realize the importance of acquiring these rights, it is better that this decision is made now rather than delayed.

There ought to be a public meeting called at once to appoint a committee to act with the council in securing the necessary rights. The council might hesitate to take action involving large sums of money, but if unanimously supported by a committee of citizens appointed at a public meeting for this purpose, it would feel a moral support from our tax payers. Men of good sense, of property and a strong sense of justice, should be appointed.

This Broadmoor case was brought through the pig-headedness of certain councilmen, who not only declined to recognize any rights of Broadmoor, but proposed to appropriate these rights. Heretofore such law suits have been prevented by our city officials recognizing the priority of right of those ditches ahead of us and at least sharing the water with those who needed it. But the arbitrary action of our council left no other course for Broadmoor to pursue than to assert its rights in the courts. If without this decision the council would have continued its old policy of seeking to get water without paying for it, the pig headedness of our councilmen was a blessing in disguise.

There is another reflection that must be forced on the mind of everyone who reads this decision. The city seemed to have no case in law, and still the case it had was but badly defended. If the legal counsel did not advise the city to compromise this case, and at the same time did not urge the council to immediately propose to get water rights by purchase or by condemnation, they not only ought to return their fees to the city but ought [illegible] for damages.

Any [illegible] that gives no warrant for trust, yet we hope the city water committee will prove equal to the situation. The old policy of the council must be reversed and a new policy, based upon a recognition of individual rights, must be pursued.

**Throwing Out Steam.**

ST. PAUL, Minn., July 9.—General Passenger Agent Lee of the Northern Pacific railroad to day received a message from Manager Wateres of the Yellowstone National Park, regarding the bursting out of the "New Crater" geyser yesterday. It quieted down somewhat during last night. At 6.30 o'clock this morning there was a solid column of steam forced up constantly to the height of from 150 to 175 feet, and about 75 feet in diameter. The roaring has subsided considerably.

The location is exactly identical with the "New Crater" geyser. The hole is enlarged to a width of about eight feet and a new hole is visible about six feet from the old one, which is about eight by twelve feet. Very little water, however, is coming out of it. All the pine trees in the neighborhood are covered with thick sediment. The present appearances seem to indicate that the geyser will go down considerably soon.

**Uraguay Financial Situation.**

LONDON, July 9. The London agent of the national bank of Uraguay has received a cable from Montevideo stating that the law suspending the conversion into specie of notes of the national bank for the period of six months had been decreed. The government guarantees the payment of the notes of the bank and government debts, both of which are payable in gold. The issue of the bank notes will be limited to $12,500,000, and will be guaranteed by the proper officials to day. The issue will be received everywhere the same as gold. The despatch further states that absolute confidence prevails in monetary circles.

**Chased Him a Long Distance.**

NEW YORK, July 9.—Edward M. Doyle, a contractor charged with forgery and obtaining money on false pretenses in Oregon, was brought chained, hands and legs, into police headquarters to day by Detective Dray, of Portland. He had to chase Doyle many thousand miles. The detective is enroute to Oregon with his prisoner.

**General Fisk Dead.**

NEW YORK, July 9. General Clinton B. Fisk died this morning in his 62d year. The burial will be at Coldwater, Mich.

**Cooler Weather.**

NEW YORK, July 9. Great relief was experienced to day from the heat of yesterday by a fine breeze blowing steadily from the northwest. Six deaths from prostration so far have been reported by the police.

Over in Brooklyn the warm weather about paralyzed business. The heat has been exceedingly severe for those having outdoor work. The employes of the big sugar refineries in Williamsburg were among the principal sufferers. Twenty persons were prostrated by heat yesterday and last night. There were three cases reported to have succumbed this morning.

**Stock Market.**

NEW YORK, July 9. In the stock market the strong tone of yesterday was reversed to day by weakness. Chicago gas declines resulting. Chicago gas closed weak at about the lowest prices of the day. The sales were principally in grangers and London favorites. Governments were steady.

| | | | |
|---|---|---|---|
| Adams Ex. | 140 | St. L. & S. F. | 25¾ |
| American Exp. | 115 | Preferred | 68 |
| Central Pacific | 32½ | 1st Preferred | |
| C. & A. | 141 | Tex. Pacific | 20¼ |
| Preferred | | U. P. | 62 |
| C. B. & Q. | 108½ | U. S. Ex. | 72 |
| Del., Lack. & W. | 140½ | Wabash Union | 64¾ |
| D. & R. G. | 17 | Preferred | |
| Preferred | 51½ | Colo. Coal | 30½ |
| East Tenn. | | Homestake | 16½ |
| 2d preferred | | Iron Silver | 175 |
| Ft. Wayne | 155 | Ontario | 44 |
| Ft. Worth & D. C. | | Quicksilver | 6¾ |
| Illinois Central | 116½ | Preferred | 41½ |
| Kan. & Tex. | 16½ | Sutro | 4 |
| Mo. Pacific | 73 | Atchison | 45¾ |
| Northern Pacific | 29½ | D. T. & G. Certified | 34 |
| Preferred | 61½ | Lackawanna | 121½ |
| C. & N. W. | 11½ | 4s registered | 108 |
| Preferred | 143 | 4s coupons | 121½ |
| N. Y. C. | 115 | 4½s coupons | 102 |
| Pullman P. Car | 218 | Pacific of Mo. | 113 |
| Rock Island | 90½ | Pittsburg | 156 |
| Central Pacific | | Mich. Central | 92½ |
| Del. & Hudson | 106 | Lake Shore | 109¾ |

**Postoffice Employes Strike**

LONDON, July 9. The letter carriers of the Central postoffice struck to day. Delegates were appointed to interview Postmaster General Raikes, and pending a reply, the carriers struck. All the deliveries were suspended.

When the delegation arrived at the office of the postmaster general, they found he was absent. They saw the controller however, and stated their demands to him, but he informed the deputation that he was powerless to reply on his own responsibility. The deputation informed the men of the result, and the carriers decided to resume work until they could receive a reply from Postmaster General Raikes himself.

**Population of Cities.**

WASHINGTON, July 9. The rough official count of the population of St Louis by the census office was completed to day. It shows the city's population to be 448,124. This is an excess of 12,000 over the estimate of the local supervisor. Baltimore is something over 443,000. The Chicago supervisor sent his returns to Washington to day. He says the population is not less than 1,100,000.

**To Relieve the Situation.**

BUENOS AYRES, July 9. The president of the Argentine Republic has authorized the issue of bank notes to the amount of one hundred million dollars, for the purpose of relieving the financial situation. The rejection of the proposed sterling loan has caused great excitement on the Bourse.

**Weather Indications.**

WAR DEPARTMENT,
WASHINGTON, D. C., July 9, 12 p. m.

Indications for twenty four hours commencing Thursday, July 10, at 7 a. m.: For Colorado: Warmer, fairer weather, except in extreme northern portion, showers and southerly winds.

**"Doc" Baggs in Manitou.**

DENVER, July 9. The Times to-night says: "Baggs, the notorious confidence man, has returned to Colorado, and is now in Manitou for his health."

**Referred to Miller.**

WASHINGTON, July 9.—The president has referred the bill for the admission of Wyoming to the attorney general to ascertain if there is any legal objection to his approval.

**Batchelder Confirmed.**

WASHINGTON, July 9. The senate in executive session to-day confirmed the nomination of General Richard Batchelder to be quartermaster general of the army.

**Hanged for Wife Murder**

FORT SMITH, Ark., July 9. John Salisburg was hanged to-day for killing his wife last August, near Eufala in the Creek nation.

**Fire at Trinidad.**

DENVER, July 9. A Trinidad special says. Walsh's flouring mill was burned last night. The loss is $10,000; insured for $3,500.

J. J. HAGERMAN, Pres't. J. A. HAYES, Jr., Cashier. CHAS. THURLOW, Vice Pres't. A. SUTTON, Ass't Cashier.

First National Bank

OF COLORADO SPRINGS, COLO.

CAPITAL ..... $100,000
SURPLUS ..... 50,000

BUYS AND SELLS FOREIGN AND DOMESTIC EXCHANGE AND DOES A GENERAL BANKING BUSINESS.

DIRECTORS

E. J. EATON, J. J. HAGERMAN, CHAS. THURLOW,
LOUIS R. EHRICH, A. A. MCGOVNEY, R. F. CROWELL,
IRVING HOWBERT, J. A. HAYES, JR.
(6-13-1y)

E. P. WELLES & CO.,

Manufacturers of

Hand-Made Harness

FROM

Pure Oak-Tanned Leather.

THE BEST IS THE CHEAPEST.

Everything for the HORSE and Stable.

113 and 115 N. Tejon St., Colorado Springs.

Summer Lawns!

HALF PRICE.

I am offering the balance of my fine Summer Lawns at just Half Price.

20c LAWNS AT ..... 10 c
15c " " ..... 7½c
12½c " " ..... 6¼c
10c " " ..... 5 c

These are all fine, nice lawns and extra wide. Choice patterns and designs. Call and see them before they are all sold. Just the thing for warm weather.

N. O. JOHNSON, - - 21 PIKE'S PEAK AVE

H. T. O'BRIEN,

MANUFACTURER OF AND

Jobber & Retail Dealer

IN

Harness, Saddlery, Whips, Boots

AND HORSE CLOTHING.

18 and 20 Pike's Peak Ave. - - Telephone No. 75

Repairing in all its branches promptly attended to.

CHAS. L. TUTT & CO.,

REAL ESTATE, LOANS AND INSURANCE,

102 N. TEJON ST.

FOR SALE The most desirable location for a country residence, containing nearly three acres of land, located on the Cheyenne road at the junct on of the Tejon street extension; is surrounded on three side by streets with an alley in the rear; is beautifully shaded and has hydrant water. Price $4,500.

FOR SALE Ranch of 320 acres, 160 deeded; improvements cost $1,500; good water; 8½ miles from the city. Price $2,500.

Sole Agents for Mayfair Addition.

Houses for rent in all parts of the city. Pueblo Bargains.

Chas. L. Tutt & Co., - 102 N. Tejon Street.

FOR SALE!

20,000 Cabbage, Tomato and Cauliflower Plants Early and Late.

WM. CLARK;

Corner of Platte and Wahsatch Avenues.

Colorado Springs Gardens.

There are few every day interests which so directly concern the health of the family, especially at this season of the year, as the business of the milkman. To deprive us of the staple he serves would be that of a great loss to most of us, certainly to our children, for upon it their proper nourishment depends. When we consider the many complaints made by the press and people regarding impure milk, and the numerous devices resorted to by unscrupulous dealers to impose upon an unsuspecting public an impure article, it becomes a matter of importance to know with whom you are dealing. In this connection I would invite the closest inspection of every department of the management of our cattle—their food, the water they drink, the facilities the animals have for obtaining water at any time, and our system of handling the milk after obtaining it to the time of delivering it to the many families we supply.

Respectfully,

F. W. ISHAM, Manager.

TELEPHONES 82 AND 55.

Prof. Samuels!

Optician

And the Author of the Book,

"The Use and Abuse of the Eye,"

Has arrived in Colorado Springs and can be consulted at

Rooms 12 and 14,

Alamo -:- Hotel!

Prof. Samuels

Offers to those who are suffering from weakness and defective eyesight his improved Crystal Spectacles, superior to any others in use, as the following evidence, taken from the Topeka Capital, of persons who have worn them for years will testify, and the rest will speak for itself.

The following are a few of his numerous unsolicited testimonials:

GOVERNOR'S TESTIMONIAL.

STATE OF KANSAS, GOVERNOR'S OFFICE, TOPEKA, May 17th, 1890.

To Whom it May Concern:

I have been compelled to use glasses for the past three or four years, especially at night. During all this time I have tried a good many different glasses, but have never found anything entirely satisfactory until recently.

The glasses furnished and fitted to my eyes by Prof. Samuels are the finest and only ones I have ever used which gave entire satisfaction. I therefore take pleasure in commending Prof. Samuels to all persons who may need his services, believing him to be possessed of extraordinary skill in the line of his profession. Very respectfully,

LYMAN U. HUMPHREY, Governor of Kansas.

PROF. H. G. LARIMER,

TOPEKA, Kan., April 17.

To whom this may come:

I cheerfully commend to your confidence and patronage Prof. H. Samuels, who corrected a very aggravated case of compound astigmatism in my eyes by fitting me with glasses. He thoroughly understands his business, and I have found him reliable in all that he undertakes. No one need feel any hesitation in trusting to his skill as an optician, as he is both a scientist and an artist in that line of work.

Very respectfully,

H. G. LARIMER, Principal Topeka High School.

CHANCELLOR SNOW.

LAWRENCE, Kan., August 10, 1888.

It gives me great pleasure to certify to the great benefits received by my son and daughter, aged respectively 12 and 10 years, by the use of Prof. H. Samuels' glasses. Both of them had suffered from defective sight, so that they had been compelled to abandon school for more than a year. Other eminent authorities had prescribed for them without success, but Prof. Samuels' spectacles gave them immediate and permanent relief. My son is now able to do entirely without glasses, his eyes having been restored to their natural condition by the timely and skillful application of artificial aid.

F. H. SNOW, Chancellor University of Kansas.

ADJ.-GEN. J. N. ROBERTS

LAWRENCE, Kans., July 2, 1884.

Professor Samuels:

DEAR SIR—The glasses you fitted to my eyes last fall did all you promised. My eyes recovered their strength rapidly, and I have had no occasion to use your glasses for the last six months. Respectfully,

J. N. ROBERTS.

AN OPEN LETTER.

From Lieut.-Gov. A. J. Felt.

TOPEKA, May 1, 1883.

Professor Samuels, Topeka:

DEAR SIR:—Please allow me to say a word for your eyeglasses. For many years the gradual loss of eyesight has caused me unspeakable trouble and annoyance. During that period it was my misfortune to purchase glasses of various dealers, always resulting in the conclusion that the attempt to improve my vision by wearing glasses was an absolute failure. A few weeks since a friend advised me to call on you for advice. The result was the purchase of glasses you recommended and it becomes a duty due to others suffering from impaired vision to state that the result has been satisfactory in every particular and that their value to me cannot be measured in money. The work required of me since purchasing your glasses has been unusually trying, and it has surprised and gratified me beyond expression to learn that my vision has greatly improved and that my eyes seem stronger and my vision clearer than for many years before. Very respectfully,

A. J. FELT.

OFFICE HOURS: 9 a. m. to 5 p. m.

Owing to engagements Professor Samuels will remain here but a short time.

Professor Samuels does not attend to business outside of his rooms, and has no one connected with him.

Artificial Eyes Inserted

g-8 1m

Iron, Wire and Steel Fencing.

Lawn Ornaments, Window Guards, Cresting, Hitching Posts, Fountains and all kinds of Architectural Iron Goods.

HASSELL & WARD,

21 W. Huerfano St.

c1-4-6m

BRUSOF & SON,

CONTRACTORS,

Builders and Jobbers,

17 1-2 Pike's Peak.

COLORADO SPRINGS, COLO.

CHAMBERLAIN'S COLIC CHOLERA AND DIARRHOEA REMEDY.

Never Fails.

This remedy is prompt in the relief it gives in cases of cholera morbus, and is the most successful medicine known for bowel complaints in children. It is the only remedy ever invented to which a Cholera Diarrhoea cure can be traced. Mothers should not be without it. Sold by all druggists.

Dwinell & Terry

Real Estate Investments Loans Insurance.

Bank Building | Rooms 10 & 11, (Near Elevator)

Telephone No. 165. d4 1y

H. L. REID,

City Engineer and County Surveyor.

Surveys made and estimates given on all kinds of surveying work.

Office at Court House, Colo. Springs

6-6-tf

OVER 200 PER CENT. PROFIT

Do you want to make it?

It can be done in less than 90 days time by a very small investment. Buy a few lots in

"WESTLAKE"

The Leading Suburb of

Salt Lake City, Utah.

The only certain, safe and strictly legitimate SPECULATION.

Is in REAL ESTATE investments. To day the greatest known field for that is in SALT LAKE CITY, UTAH, and the very best and cheapest lots are those of the leading suburb, WESTLAKE.

This beautiful suburb is three and one half miles from the city. Has fourteen or more passenger daily suburban service, good soil, artesian water in plenty of water, perfect title. A company has been organized to construct an electric road to connect with the city. Twenty-five of the substantial citizens of Salt Lake have interests therein. The Company and managing agents refer to the banks and solid men of Salt Lake. Choice lots are sold at from

$60 TO $150 APIECE.

For maps, prices, list of owners, terms, cash discounts, etc., address

WESTLAKE SYNDICATE,

274 Main Street, Salt Lake City, Utah.

An Agent wanted in every live town. e8-3m

CITY MARKET.

Stark & Titus, Propr's.

(Successors to Callaway & Stark)

Wholesale and Retail Dealers in

MEATS, GAME, POULTRY, ETC.

A full line of all articles pertaining to a first-class market, at prices within the reach of all. Corn-fed Beef and Mutton constantly on hand. Sausage and Lard, our own make; Hams, our own curing. By fair dealing and strict attention to the wants of our patrons we hope to merit a continuance of patronage.

ORDERS called for and delivered, in all parts of the city.

LOCK BOX, 920. (b6-1y) TELEPHONE, 67.

GOING to Build?

Then go to any stationer and purchase a copy of Shoppell's Modern Houses—the only architectural book that booksellers generally keep on hand—the only really desirable book published. If it happens that your bookseller cannot show a copy, send your address to R. W. Shoppell, Architect, 63 B'way, N. Y., and he will promptly direct you to the nearest bookseller who can.

F. F. BAXTER,

Civil Engineer

Surveys and Estimates for Reservoirs, Ditches and Roads. Land Surveying and Mapping.

ROOM — BANK BLOCK

M. CONWAY

Has just received a full line of

Boots & Shoes

Which he will sell at very low prices. Give him a call and satisfy yourself.

127tf 21 Pike's Peak Ave

Iron Springs Hotel!

Manitou Springs, Colo.

OPEN SATURDAY, JUNE 14, 1890.

Newest hotel. Modern conveniences. Caters to first-class business only. $3.00 to $4.50 per day; $18.00 to $28.00 per week. At the terminus of Pike's Peak Railway; near the finest Iron Soda spring in the world.

H. T. BLAKE, Proprietor.

Also of Mexican Gulf Hotel, on Gulf of Mexico, near New Orleans. f-10-tf

COUNTY BOARD OF EQUALIZATION.

Public notice is hereby given that the County Commissioners of El Paso county, will sit as a Board of Equalization at the County Clerk's office for the correction and completion of the assessment roll of said county, on Monday, the seventh day of July, A. D. 1890, and continue in session as such Board of Equalization, for the purpose of supplying omissions in said assessment roll, and equalizing the same, for less than three nor more than ten consecutive days and for the purpose of equalizing said assessment roll, they are empowered by law to increase, diminish, alter or correct any assessment or valuation.

That on Monday, the twenty first day of July, A. D. 1890, the said County Commissioners will hold their second meeting as such Board of Equalization, continuing in session not less than two nor more than ten consecutive days, for the purpose of hearing complaints only, from those dissatisfied with the changes made in their assessment as at the first meeting of said Board or otherwise, and to adjust said assessment roll as in their judgment is just and proper.

FRANK W. HOWBERT, County Clerk.

(f-1-6t)

Colorado Springs, Colorado, June 26, 1890.

The only Infallible Cure on Earth. K-X-F-F-R-E REMEDY

Is a remedy on an entirely new principle which is waging its war on the road of success as many people testify. It not a salve, ointment or suppository from which you can get only temporary relief, but a cure. If your druggist does not have it do not let him persuade you to take something else as "just as good," insist on having Kay-Fee Remedy. Sold by all druggists and by Hoffmann & Co. Denver, Colo.

k1-1y

## RAILROAD TIME TABLES.

**DENVER & RIO GRANDE RAILROAD**

TRAINS GOING SOUTH AND WEST

No. 1. Pacific Express, for Salt Lake and California leaves 12.11 p. m.
No. 9. Pueblo local leaves 11:10 a. m.
No. 5. Pueblo and Canon City accommodation leaves 4.45 p. m.
No. 11. Kansas City and St. Louis Express, leaves 4.40 p. m.
No. 7. Trinidad and Durango Express leaves 2.20 a. m.
No. 3. Leadville Express, leaves 11.20 p. m.
No. 91. Manitou Express, daily, except Sunday, 7.35 p. m.

TRAINS GOING NORTH.

No. 4. From Oregon, Aspen and Leadville to Denver, leaves 4.40 a. m.
No. 8. From Trinidad and Durango, leaves at 2.10 a. m.
No. 12. From St. Louis and Kansas City to Denver, leaves at 10.28 a. m.
No. 10. Denver special leaves 3.25 p. m.
No. 2. From California and Salt Lake to Denver, leaves 4.05 p. m.
No. 6. From Pueblo and Canon City to Denver, leaves 9.25 a. m.
No. 92. Manitou and Denver Express, leaves 7.50 a. m. Daily except Sunday.

Through tickets for sale to all principal cities east at the depot and No. 16 North Tejon street. Parties can select their own route.

Baggage checked to destination. Pullman palace sleepers attached to night trains. Horton Reclining chair cars on day trains. Observation cars on daylight trains through the Royal Gorge in the Grand Cañon.

For full information call on or address.

J. M. ELLISON, Gen'l Agent.

**COLORADO SPRINGS & MANITOU R. R.**

| WESTWARD. | | EASTWARD. | |
|---|---|---|---|
| Leaves | 7.55 a. m. | Arrives | 7.20 a. m |
| " | 9.25 a. m. | " | *7.40 a. m |
| " | 11.15 a. m. | " | 9.15 a. m |
| " | 12.15 p. m. | " | 10.20 a. m |
| " | 2.10 p. m. | " | 12.05 p. m |
| " | 3.25 p. m. | " | 2 m p m |
| " | 5.05 p. m. | " | 3.15 p. m |
| " | *6.45 p. m. | " | 4.30 p. m |
| " | 7.45 p. m. | " | 6.35 p. m |

* Daily except Sunday.

**ATCHISON, TOPEKA & SANTA FE R. R.**

June 1st, 1890.

| East-bound. | Arrives. | Leaves. |
|---|---|---|
| No. 6, Eastern Express | 7.45 p. m. | 7.50 p. m. |
| No. 8, Atlantic Express | 1.05 a. m. | 1.15 a. m. |
| No. 538, Canon City Ex. | 4.20 p. m. | 4.25 p. m. |
| West-bound. | | |
| No. 5, Denver Express | 7.45 a. m. | 7.50 a. m. |
| No. 7, Colo. Express | 1.15 a. m. | 1.20 a. m. |
| No. 537, Denver Express | 4.15 p. m. | 4.20 p. m. |

No 6 carries through vestibule sleeping cars to Chicago also free reclining chair cars and vestibule dining cars. A through sleeping car for Las Vegas, N. M. This train also connects at Pueblo with train for Canon City, making two daily trains for Canon City. Makes connection at Newton, Kas., for Ft. Worth, Galveston, and intermediate points.

No 5 and No 6 both connect at La Junta for all points in New Mexico. No 8 connects at La Junta with through California express.

Tickets and full information can be obtained at the city office, in Opera House block.

C. C. HOYT, Agent.

**DENVER, TEXAS & FT. WORTH**

NORTH BOUND.

No. 22 Denver Express ..... 2.30 p. m.

SOUTH BOUND.

No. 20 Fort Worth Express ..... 11.5 a. m.

BRANCH TRAINS.

No. 23 Arrive from Denver ..... 12.25 p. m.
No. 25 Arrive from Pueblo ..... 3.55 p. m.

To connect with New York steamers via Galveston, leave Colorado Springs Sundays 11.25 a. m.

To connect with New York steamers via New Orleans, leave Colorado Springs Sundays and Wednesdays at 11.25 a. m.

Through tickets to New York via New Orleans and Cromwell Steamship line, and via Galveston and Morgan or Mallory lines.

Baggage checked to destination of ticket. Steamers sail from New Orleans Wednesdays and Saturdays, from Galveston, Wednesdays.

Steamship tickets on sale to or from foreign countries via all principal lines.

E. D. BAXTER, General Agent.

**COLORADO MIDLAND RAILWAY.**

DENVER & RIO GRANDE UNION DEPOT.

June 29th, 1890.

Arrive from Denver ..... 10.05 a. m.
Leave for Leadville, Aspen and Glenwood ..... 10.45 a. m.
Arrive from Leadville, Aspen and Glenwood ..... 3.50 a. m.
Leave for Denver ..... 3.55 a. m.

Suburban Trains.

Leave Colorado Springs, 7.55 a. m. 1.20, 4.10 and 6.15 p. m.
Arrive at Colorado Springs, 8.20 10.20 a. m., 3.50 and 6.45 p. m.

The first three trains go as far as Woodland Park. The last train goes to Florissant.

S. N. RYE, Agent.

**GREAT ROCK ISLAND ROUTE.**

No. 13 Leaves for Pueblo ..... 7.40 a. m
No. 15 " " " ..... 7.10 p. m
No. 10 Leaves for Denver ..... 8.30 p. m
No. 16 Leaves for the east ..... 9.45 p. m
No. 14 (Vestibule) " " ..... 7.45 p. m
No. 13 (Vestibule) arrive from Chicago 7.20 a. m
No. 15 happens arrive from Chicago 6.20 p. m

Nos. 13 and 14 are solid vestibule trains between Chicago and Colorado Springs via St. Joseph and Kansas City without change. Tickets on sale and baggage checked through to points east and west at 12 Pike's Peak Ave. or D. & R. G. Depot.

W. W. WOOD, Ticket and Pass. Agt.

## TO CONTRACTORS.

Sealed proposals are hereby invited by the city of Colorado Springs for furnishing all materials and labor, and laying all expense and constructing in place lines Nos. 7, 8, and 9, of the sewer system of said city, as per profiles, plans and printed instructions on file in the office of the city engineer of said city, on and after July 2 in A. D. 1890.

The following are approximate estimates of quantities:

400 feet of 12 inch pipe laid 6 to 9 feet deep.
1000 feet of 12 inch pipe laid 9 to 10 feet deep.
400 feet of 10 inch pipe laid 6 to 9 feet deep.
400 feet of 10 inch pipe laid 9 to 10 feet deep.
3985 feet of 8 inch pipe laid 6 to 9 feet deep.
900 feet of 8 inch pipe laid 9 to 10 feet deep.
300 feet of 8 inch pipe laid 6 to 9 feet deep.
100 12 in Y branches.
400 8 in Y branches.
250 8 in Y branches.
400 8 in Y branches.
63 manholes.

Counted in as straight pipe in above figures.

The work to be done in four (4) months from date of contract.

Proposals will be made on blanks furnished by the city, each to be accompanied with a certified check for $200 as specified in such blanks, and must be in by 8 o'clock p. m., July 28th, 1890.

Pipe must be equal in quality to Akron standard pipe.

Specifications will also be furnished on the above work, the city to furnish all pipe and cement materials.

The right is reserved to reject any or all bids.

W. R. BOBY, Chairman Sewerage Committee.

H. L. REID, City Engineer.

Colorado Springs, Colo., July 9th, 1890. g 10 dwtd

OCULIST AND AURIST

DR. WALKER,

JACKSON BUILDING, 16TH & ARAPAHOE STS. DENVER, COLO.

WOODWORTH'S SHORTHAND COLLEGE.

Referring, by permission, to Bishop H. W. WARREN, Dr. DAVID H. MOORE. SCOBSON BLDG., 18TH & ARAPAHOE STS., DENVER. 19 1y

El Paso County BANK

CAPITAL PAID IN $100,000

DIRECTORS

WM. B. JACKSON, CASHIER.
A. H. BARLOW, ASSISTANT CASHIER.

MEMBERS OF THE FIRM

S. H. Jackson. C. H. White. J. H. Barlow.

GILLIS BROS. & WALSH,

MANUFACTURERS OF

SASH, DOORS, BLINDS and MOULDINGS.

Veneered Doors, Mantels and all kinds of Planing Mill Work. Stair Work a Specialty.

COR. VERMIJO and SAHWATCH

ELMO HOUSE—And cottages beautifully situated, half way between the Soda and Iron Springs. This house has an addition of 20 new and elegantly furnished rooms, can now accommodate guests at reasonable rates. Home comfortably furnished by The St. Elmo cannot be surpassed by any hotel in Manitou Springs. Rates $10 to $15 per week, $2 to $3 per day, 50 per meal. Day board given to those in cottages at $5 per week. Special rates to families. f-2 2m MRS. J. F. DEW, Proprietress

Henry LeB. Wills

Real Estate & Insurance

Notary Public

—AND—

COMMISSIONER of DEEDS

For Pennsylvania and Massachusetts.

MONEY TO LOAN

On Approved Real Estate Security in sums to suit borrowers.

FOR RENT—FURNISHED.

Residence of 15 rooms with fine grounds, in north part of town. Every possible convenience, and furnishings very complete.
Corner residence of twelve rooms, on N. Cascade avenue.
Finely appointed flat on 2nd floor, to rent for a short term.
On North Cascade ave., handsomely furnished house with all conveniences, to rent until September 25th. 175
811 N. Cascade, twelve rooms, stable, bath and all conveniences. 150
New residence, very completely furnished, on North Nevada, for long term.
715 N. Cascade ave., 5 rooms with bath. 12.
1215 N. Tejon St., 7 rooms and bath, if taken promptly. 10
19 E. Boulder St., 7 rooms. 30
5 roomed cottage on Kiowa st. 30
819 N. Nevada, 8 room house. 30
E. Kiowa st., 3 rooms. 20

FOR RENT—UNFURNISHED.

Store on Pike's Peak Avenue.
Willamette Avenue and Weber Street, 4 rooms and bath. 45
House of 7 rooms with bath, on Colorado avenue, West Bluff. 30
East Uintah st., 6 rooms and stable. 30
224 N. Nevada, 5 room house. 30
212 N. Tejon st., 4 rooms. 20
Huerfano, 5 rooms. 18
2 adjoining offices in Robertson Block. 15
East Uintah Street, 4 rooms; 15
2 rooms centrally located.
House of 5 rooms in Roswell. 8
Offices in Robertson block, Tejon St.
Offices in the Strettell Block on Pike's Peak avenue.

FOR SALE SPECIAL.

A brick residence, just completed, built in the best manner after the most improved designs, with every convenience, facing south on a leading avenue and having plenty of ground about it. A low figure and easy terms will be made.
One of the finest residences in town on a full quarter block, facing south and west. The property is in magnificent condition, and the lawn and garden excel any other of the sort in town.
A finely appointed house of 7 rooms and bath on North Tejon St., near College reservation. For sale either furnished or unfurnished at moderate price.
Residence lot fronting 90 feet on San Rafael, opposite the college reservation. The lot is 200 ft deep and immediately adjoining some of the finest improvements in town. At the price at which it is offered, it is the cheapest vacant residence property for a fine place, now in the market.
Two tenement houses, south of Pike's Peak avenue, centrally located and in perfect repair. The property is always occupied by good tenants, and as it produces over sixteen per cent. gross rental on the low figure asked makes a fine opportunity for investment.

"BROADMOOR."

FOR SALE.

I have a long list of properties, improved and otherwise, which I should be pleased to show parties desiring to purchase who may favor me with a call.

HENRY LeB. WILLS,

No. 19 N. Tejon St., Colo. Springs

TELEPHONE 44. b-19-tf

PROFESSIONAL CARDS

Cards under this head state profession and address. Any other matter will be charged for at our Card Rates.

ATTORNEYS-AT-LAW.

WALTER M. HATCH.

No. 24 S. Tejon Street, up stairs. m-7-tf

WILLIAM HARRISON.

Office up stairs in the second building south of the County Court house. 6-27-tf

LUNT, ARMIT & PHELPS.

Bank Building. Rooms 58 to 63, Colorado Springs, Colo. 1-21-tf

DENTISTS.

DR. W. POWLISON.

Rooms in Prewitt block, Tejon St., opposite Giddings Bros. & Bert's. 1-1-1y

DR. HENRY B. HAYDEN,

Office Rooms 33, 34 and 35, Hagerman block. Residence 20 Cheyenne Avenue. Sittings for examination of the mouth and teeth given without charge. m 28tf

ARCHITECT AND BUILDER.

H. D. JOHNSON,

Office at 112 Pike's Peak Avenue. c12tf

W. F. DOUGLAS,

Architect, 20 N. Nevada Avenue. c-15-1y

PHYSICIANS.

C. M. MUTZ, M. D.,

General Practitioner. Specialty: Nervous Diseases and Gynecology. Telephone 22. Manitou, Colo. c-24 6m

CIVIL ENGINEER.

J. S. LUCKRAFT,

Civil engineer, Strettel Block. g 10-tf

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For four or five persons. First-class board from $8 to $10 per week. Large rooms; house comfortable and well furnished. Scenery and air beautiful. About a mile from postoffice and station (Colorado Midland). Apply.

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Coats, Caps, Slickers, Glove Leggings, Druggists' Supplies in Hard Rubber Goods.

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# KNOB * HILL * ADDITION

## AFFO D SUPURB BUILDING SITES,

Commanding a Fine View of the Mountains and of the City.

**HIGH GROUND. NATURAL DRAINAGE. FREE FROM SMOKE and DUST.**

WATER MAINS AND ABUNDANT WATER SUPPLY.

The Martin and McGovney Ditch Now Being Constructed will Furnish Irrigating Water.

This fine property is only one and one-half miles from the Court House, and a trifle over one mile from the Union Depot. The contracts have now been let for the construction and equipment of the New Electric Motor Line through this addition, work thereon is now being pushed as rapidly as men and money can make it go; and within thirty days you can ride from the business centre of the city to KNOB HILL in seven minutes, in handsome new cars propelled and lighted by Electricity.

The Colorado Springs Improvement Company owning this property have contracted for the construction of Several Fine Dwelling Houses, to be built within a year, to cost not less than $5,000 and upwards each.

These and other improvements soon to follow ensure a quick and substantial advance in values, and the permanent prosperity of KNOB HILL.

**Choice Lots and Blocks Can Now be Secured at Low Prices and on Easy Terms.**

CALL ON ANY REAL ESTATE AGENT, OR ON

## THE COLORADO SPRINGS IMPROVEMENT COMPANY,

AT THE OFFICE OF

A A McGOVNEY, OR H. J. HATHOI


## NEWS OF THE RESORTS.

News Items from Manitou and Green Mountain Falls.

Late Jottings Among the Gay Crowds at the Resorts.

Arrivals at the Big Hotels and Current Personals.

MANITOU.

The Manitou house gave an exceedingly enjoyable hop last evening.

Miss Eugenie Alison, of Philadelphia, is visiting her brother Mr. C. E. Alison

Mrs. D. W. Mills, of Chicago, has joined his sister, Mrs Spofford, at the Cliff.

The Cliff house will give its weekly hop to night. Guests of all the hotels are invited.

Mr. Wilson Barrett and party drove over to Manitou yesterday to see the beauties of the place.

Mr. and Mrs. C. F. Conrad started on a fortnight's trip yesterday up the Midland to collect wild flowers.

Rev. B F. Fleetwood. D D., warden of Waterman hall, of Illinois, is at the Cliff with his wife for a stay of several weeks

Mr. Geo W. Howell, a big lumber dealer, and Mr. M Solomon, of Atchison, are among the recent arrivals at the Mansions

Mrs J E Hill, wife of State Treasurer Hill, of Nebraska, and party of friends have located at the Johnson cottage on Ruxton avenue

Mr. A. A Baker, one of Kansas City's largest wholesale grocers, with his wife and daughter, are guests at the Mansions to remain for some time.

The forty members of the Louisiana Rifles spread all over the resort yesterday About half of them made for the peak. They left last evening for Denver

Among other improvements noticeable is a new flag stone sidewalk being laid before the business houses of Chas A Grant and Arthur West This is the first stone sidewalk in Manitou

The special theatre trains for the past two evenings were fairly well loaded Wilson Barrett and his company are expected in Manitou this morning leaving in the evening direct for New York city where they sail for England

More large parties came in yesterday to stay for the season than any previous day this summer People leave their home immediately after the Fourth of July for their summer vacation We may expect many people during the next few days

A delegation from the Cliff house consisting of Manager E. E. Nichols, Jr., Miss Nichols Miss Anna Nichols, Mr James W Nichols, Mrs. Woodward, Mrs. Frye, Mr. Livingstone and Mr. Daniels attended Wilson Barrett's performance last evening at the Colorado Springs opera house

Mr C. C Gibbs, of San Antonio, Tex., general freight agent of the Houston and Texas Central railway, accompanied by his wife and two children, has taken apartments at the Mansions with the intention of remaining all summer.

The Barker hotel seems to predominate in Texans. Two large parties have recently arrived, one composed of Judge and Mrs A. H. Willie, of Galveston; Mr. A. H. Willie, Jr, Sherman; Miss Mary P. Willie, Miss Etta Willie, Chas. C. Willie, Walter L. Willie, of Galveston. Another party from Denison, Tex, enrolls Mrs. Sam Star, Miss Edith Star, Master Harold Star and maid, Miss Sadie Eppstein and Miss Pauline Eppstein.

The force of workmen on the Pike's Peak railway were engaged yesterday in transfering the two engines that have recently arrived, to the terminus of the road. A new flat car has arrived, with patent safety brakes so that it can be left alone on the track. Work is progressing with all possible speed. The construction train is engaged all the time in carrying up material to the end of the track, where a large force of men are at work.

The Iron Springs hotel is fast filling with parties who are "stayers." Owing to its superb location amid the charms of nature, "far from the busy haunts of men," parties come here and remain during the entire season. Yesterday noon Mr. Blake, the proprietor, received a telegram engaging rooms for Mr M. Q. Townsend and niece, of Little Rock, Ark, also from Nick Kupferne, president of the First National bank of Little Rock, for himself and wife.

*Cliff*—D M McElhinney, Hastings, Neb; L F Kimball, Denver; C. E Magrum Colorado Springs, M P Gladdis Dayton O; E Niles, San Francisco; C A. Lammars, St Louis; D Wagner wife and four children, Decatur, Texas; H P Child and wife, Kansas City; I Frank I, Oskaloosa, Iowa; Percy Spofford, Mrs D. W. Mills, Chicago; John Lyons, W. W Price, Everest, Kas; W H Seaton, Indianapolis, Mrs W. N. Escott, Miss Lizzie Escott, Louisville, Ky; Mrs G W Lewman, Miss Josephine Lewman Jacob H Browne, Henry P Lewman Jeffersonville Ind; G T Peters Columbus, O; J I Chase Los Angeles; A C Carper, St Louis, N W Arthur, T S Clane, C W Daniels, Atchison; Mrs Mark Howard, Hartford; Mr and Mrs K H Field, Colorado Springs

*Sunny Side* J W. Cook, Atchison; Thos B. Tuttle, wife and child, Mrs. A. L Thomas and daughter, Miss Greenwood, Carthage, Mo; Gustave L Stern and brother, E. G Youngblood, Geo. P. Martin, St Louis; J H and Wm. Owens, Kansas City; Mrs Josiah Hughes, Pueblo; Miss M. L Nichols, Boston; C Cook, Evanston, Ill; Mrs. H W Heckart, Mrs John Heckart, Springfield Ills; M J Patterson and wife, Denver; Miss L Emrich, Salt Lake; J Greenhood, Chicago

*Barker*—Wm Rosentein, Miss Rosenstein, Brunswick; Mo, Mrs Ierling and son, Sherman, Tex; E D Donnelly, Denver; M E Calleman, M Shea, Washington; Mrs Mary M. Jeremale, Miss Man Stephenson, Chicago; Mrs Sam Star, Miss Edith Star, Master Harold Star and maid, Miss Sadie Eppstein, Miss Pauline Eppstein, Denison, Tex.; S Mosby, Memphis; John Wood, Geo Mills, Quincy, Ill.; Geo. S. Clay, New York; F C. McKee, Towanda, Mich; R. O. Vandercook, Evanston, Ill; Wm. Radelnacher, Detroit; C. H Titus, C G. Burkhardt, Denver; A H Willie and wife, Galveston, A H Willie, Jr., Sherman; Miss Mary P Willie, Etta Willie, Chas C. Willie, Walter L Willie, Galveston, J. E. Parker, Boulder; R B Pollard, W. J. Bnell, C. H Armstrong, R T. McNeal, Denver; J J Snyder and wife, Salt Lake; Miss Gertrude Goff, Miss Pauline Goff, Kansas City; E E Graves and wife, Fairplay; C. A Vermilya, W. F. Tookee and wife, New York; J A. Barry and wife, Ohio; Henry F Bent and wife, Dallas; H C Moore, Miss Glessner Moore, Nevada

*Manitou* A B. Levey, wife and child, Chicago; D. S. Orrison and wife, Louis B. Orrison, J. D. Clapp and wife, Kansas City; Miss E. Barada, A. S. Barada, St. Louis; Chas. Newman and wife, New Orleans; L. Blake and wife, Arkansas; W. M. Carpenter and wife, Shreveport; Thos C. Gillespie, R. Piggott, W. A Peck, Denver.

*Iron Springs* F. M. Brooks, wife and child, Portsmouth, O; M. P. Getchell and wife, Gunnison, Colo; C E Clark, Fairbury, Neb; F. W. Blauvelt and wife, New York City; R J. Bulleu, Denver; O. J. Long, Washington; Ed Natton, wife and child, Chicago; Alfred E Rope, Percy Rope, London, Miss Taggart, Buffalo

*The Mansions*—Col. Offley and wife, United States army; DeKay Winans and wife, New York; A. A Baker, wife and daughter, Kansas City; C. C. Gibbs wife and two children, San Antonio, J W Baird, Mrs J N. Morgan, E F Welch, D J. Goldboy and wife, G W Emery, Jacob S Hirsh, Denver; J L Allsworth, Chicago, M J Carmidy and sister, Central City; M Solomon, Geo W. Horrell, Atchison.

*Ruxton* Harry Hotze and wife, St Louis; E. J. Pierson, Atchison, Kas Annie Miller, Arrington, Kas; Mrs John A Rankin, Greeley, Colo; Mrs. S W Pillsbury, Monmouth Ills; A G Bixler Denver; E. A. Sawyer, Colorado Springs

GREEN MOUNTAIN FALLS

Mrs F. E Dow is spending a week in Glenwood Springs

The family of Mr. Bryant, chief engineer of the Colorado Midland, is sojourning at the Falls.

Mr. Wm McMaster, proprietor of the fruit store on Lake street, is doing a handsome business.

Mr E G Denny and family, of Eldorado, Kas, are breathing mountain air at the upper canon.

Mrs G W. Phillips and Mrs. R Phillips and child, of La Junta, are among recent arrivals for the season.

Miss Jennie Stanley, of Chicago, and friends are occupying tents on Belvidere avenue, near the fountain.

Mr. F. E. Dow of the Green Mountain Falls company has just returned from a pleasant trip to Aspen and Glenwood Springs.

The family of Reuben Berrey, county superintendent of schools, is enjoying tent life on the banks of the Fountain, near the upper canon.

The government rain gauge, recently put in near the hotel, is a curiosity to many tourists, many of whom take it for an ice cream freezer.

Mrs. H. M. Corliss and young son, of Somerville, near Boston, are guests at the hotel. Mrs. Corliss is on her first visit to the west, and speaks in complimentary terms of Colorado climate and scenery.

Mr. Charles Mitchell, the genial and popular conductor of the suburban, has again taken his run, after a few days of much needed rest.

Mrs. James H. Jewitt, of Buffalo, N. Y., who, with her husband, is occupying their cottage on Grandview avenue, has gone for a week's visit to Glenwood Springs.

Mr and Mrs R. F. Norton, of Talula, Ill, have arrived for the season, and are delighted with the invigorating atmosphere and matchless scenery of the Rockies.

Rev. G. C. Woodruff, pastor of the First Congregational church, is preaching to large congregations every Sunday morning and evening

Mr. and Mrs P. V. Healy, of Wichita, Kan., are at the Falls for the season Mr. Healy has written several beautiful poems on western travel and scenery.

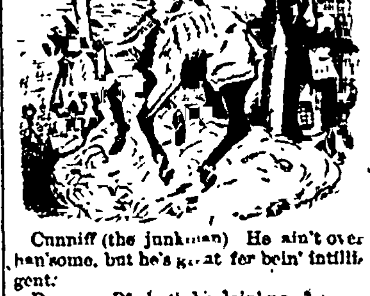
Tourists at the Falls fully appreciate the enterprise of our grocers, market and dairymen who call daily at every tent and cottage to take orders and deliver goods.

Mr. A. Bass and family, of McPherson, Kas., have secured accommodations at the Falls for the season. Mr. Bass is looking at property with the view of locating a summer home.

Dr. C. C. Engleman, the popular druggist of the Falls, is meeting with an unexpected success. His business has rapidly increased from the start, and he has already had three opportunities to sell at a large advance.

The change of the running time of suburban trains, and the adding of the business men's train, makes the service of the Colorado Midland complete. We now have five trains each way daily, and passengers can leave Green Mountain Falls at 7 25 a. m. for Denver, arriving at 11 a. m; have four and a half hours in the city and return to the Falls, arriving at 7 05 p m

Equine Adaptability.



Cunniff (the junkman) He ain't over han'some, but he's great for bein' intilligent.

Bregan—Pfwhat's he doin' now?

Cunniff—He has no teeth, so he's chewin' his hay wid his shoes befoor he schwallys it.—Scribner's Magazine.

To Whistle for the Czar.

The handsome American whistler, Mrs. Alice Shaw, has signed a contract to go to St. Petersburg and give an exhibition of her skill before the czar. If whistling is of any value in promoting courage it will not be long before the Russian autocrat will be supplied with an ample amount of nerve force


# Next Sunday

## THE GAZETTE

WILL BEGIN THE PUBLICATION OF A SERIES OF

## BEAUTIFUL * * SCENIC VIEWS

OF THIS VICINITY.

*The first view will be a reproduction, by half-tone process, of Jackson's picture of the Garden of the Gods. It will appear next Sunday.*

THE PRICE OF THE GAZETTE WILL NOT BE ADVANCED.

*THE SUNDAY GAZETTE contains a full Telegraphic Report of the news of the day throughout the world. Its local columns are complete and full. Its resort news takes in all the latest happenings at Manitou and the Ute Pass resorts.*

*Among the well-known contributors to THE SUNDAY GAZETTE are Olive Log... Mrs. John Sherwood, Dalglish, Ambrose Brera, Worth, Belle Mackenzie, Theodore Stanton, ... De San Carlos and a host of other entertaining and popular writers.*

# IN AGAINST THE CITY.

## Judge Campbell's Decision in the Broadmoor Water Case.

### It Practically Says We Have Now No Water Rights at All.

### Injunction Regarding Irrigating Water is Permanent.

### Alarming State of Affairs Disclosed by the Decision.

At 2 o'clock yesterday afternoon Judge Campbell rendered his decision in the now famous Broadmoor water suit against the city. Considerable interest was manifested in the result, especially by the attorneys of the county, a large number of whom had assembled in the court room to hear the decision.

The suit just decided is entitled the Broadmoor Dairy and Live Stock company and Albert Mathews vs. the City of Colorado Springs. It was in the nature of an injunction to prevent the city from using the water of Fountain creek, and the defendants claimed damages to crops sustained by reason of having the water shut off last year. The Broadmoor company claimed $3,000 damages and Mr. Matthews $350

During August of last year there was a scarcity of irrigating water and the commissioner of the tenth water district shut down the gate of the city's ditch to permit the water to run down the creek. For some time the gate was continually opened and finally a city policeman was set to guard it and prevent the commissioner from shutting it. On the 16th day of September, 1889, the suit was started and Judge Campbell granted a temporary injunction restraining the city from interfering with the water commissioner in the discharge of his duty. The case did not come up for final hearing at either the November or February terms of court, owing to press of business, but was finally set for trial on April 14. On account of the Hatch case it could not come to trial at that time and was continued until May 5th. By agreement it was then continued to the 26th, but the trial was not begun until the 26th. After hearing testimony for three days the court was compelled to rest the case, owing to broken, in other portions of the district and adjournment was taken to June 11th. At that time Mr. Peltz was in the east and the case was again continued to June 24th. At that time it was taken up and completed. The short records of courts show that the continuance was by agreement but the attorneys for the plaintiffs claim that the motions were always made by the defendants, and that they were ready for trial from the first. Owing to an accident to Mr. Peltz his senior was unable to continue his final argument and the court permitted him to put in a brief. The court said that its delay in rendering the decision was owing to the fact that the brief had not been handed in until last Saturday. Judge Campbell read his decision, which is as follows:

In the District Court of El Paso County Colorado.

The Broadmoor Dairy and Live Stock Co. and Albert Matthews vs. The City of Colorado Springs.

This is an action against the city of Colorado Springs for damages for an alleged unlawful diversion of water from Fountain creek and to restrain the continuance of the nuisance.

More than a week was consumed in the taking of evidence, much of it, in the view that will be taken by the court, to no useful purpose. A minute discussion, or analysis, of the testimony is not desirable or necessary. Indeed the parties, themselves, concede that the correct conclusion of the case depends largely upon the principles of law applicable.

Briefly to summarize the facts which the court considers as fairly established by the weight of evidence the findings say thus be stated:

First The plaintiffs, through sundry mesne conveyances, are the owners of certain interests in the Fountain ditch, which in 1863 was taken from the Fountain creek a natural stream, for the purpose of irrigating agricultural lands then owned by the constructors of the ditch and lying thereunder. In 1864 the ditch was enlarged. Diversion of the water, by means of the ditch, was made in the summer of 1863, and application made for the purpose of irrigating lands followed in the same season. From that time to the present the like use has been continuously made of the ditch and the water flowing through it.

Second—In 1871 the Colorado Springs company, which was the proprietor of the townsite of the defendant, built a ditch called the El Paso County canal, taking water from Fountain creek at a point therein above the headgate of plaintiff's ditch, and intended for the use of defendant city; at first, both for strictly domestic purposes and to water the trees growing in its streets, to water the lawns and gardens, and truck and market gardens of its inhabitants Until the construction of the water works in 1878, like use was continuously made of the water thus diverted. There after, and to the present time, excepting for domestic purposes, the use has been the same. In Aug., 1877, the city by purchase acquired said canal.

Third In 1878 the city constructed its system of water works which consisted up to that time of a single pipe line, taking water from Ruxton Creek, a tributary of the Fountain creek, at a point 5 or 6 miles above the headgate of plaintiff's ditch: This pipe line emptied the water into a reservoir west of this city; and from this storage reservoir was then distributed through a system of mains and service pipes throughout the city. The use continuously made of the water through this system, is for domestic purposes strictly, for watering lawns, trees, gardens, sprinkling streets, flushing sewers (since the construction of the latter in 1888) and supplying water to the locomotive engines of the railroad companies, and power to one or two water motors attached to church organs In 1889 the system was enlarged by the laying of a second and larger pipe line and removing the intake further up the stream

Fourth—In 1889 the city dug a ditch, called a drain, from a point about 25 feet below the headgate of its canal to a point about a mile westerly and up the Fountain creek; the line of the drain, in part, following the course of the creek. The plaintiffs assert that the object and the effect, of thus building the drain was to tap the flow of the creek and covertly divert its waters into the city canal. The defendant insists that it was for the purpose of diverting into its canal the waters of a subterranean stream that flows down from the vicinity of the Garden of the Gods and which, probably, does not reach the surface flow of the creek above the headgate of plaintiff's ditch.

Fifth—In the summer and autumn of 1889, there was a scarcity of water in Fountain creek. All the ditches taking water therefrom could not be supplied with their respective priorities. The plaintiffs applied to the water commissioner to proceed to the discharge of his statutory duties and shut down the headgate of defendant's canal, and thus allow the water to flow down and into their ditch. The commissioner complied with such request. But before plaintiff's ditch was supplied with water, in some mysterious way, the headgate of defendant's canal was raised and the water of the creek was diverted into the canal A policeman was stationed at the headgate of the canal and when the water commissioner proposed again to shut down the headgate, he was informed by the representative of the city that it could not be done Not desiring to resort to that force which the statute contemplates he may use, the commissioner declined further action. Hence this suit by plaintiffs for a determination of their alleged rights as against the city. Their crops were damaged for lack of water The defendants got water. The plaintiffs did not

Sixth—In 1881, under the acts of our legislature of 1879 and 1881, "which," in the language of Justice Elliott, "are intended as a system of procedure for determining the priority of rights to the use of water for irrigation between the owners of ditches, * * * * taking water from the same natural stream, there were duly instituted in this court, proceedings for the purpose of determining such priorities in District 10. In March, 1883, a decree was made and entered of record establishing such priorities By such decree the priority of plaintiff's ditch is No. 11 by original construction, and No 21 by enlargement. Its total capacity is 31 38 cubic feet of water per second of time. By the same decree defendant's canal is given a priority of No. 32 and a capacity of 59 50 cubic feet.

The plaintiffs and their grantors made the first valid appropriation of water. Upon the face of the case thus made it would seem that they must prevail Unless some one or more of the defenses which the defendant sets up is a bar then plaintiff must succeed.

Before proceeding further it may serve to elucidate the questions at issue by a statement of the defenses pleaded, which if true in fact must, defendant claims, defeat a recovery here.

First The city attacks the decree hereinabove mentioned as void on various grounds.

Second A plea of adverse user, or estoppel, or the statute of limitations it is a little difficult to say which.

Third That its use of water is for domestic purposes, and under the constitution is preferred to that of plaintiffs'

Fourth That if the decree is valid it has the first priority on Ruxton creek.

Fifth Denies any damage to plaintiffs' crop

Sixth That if defendant had not taken the water plaintiffs would not have obtained it.

Seventh That the blind drain does not take water from Fountain creek.

BLIND DRAIN.

It is singular, to say the least, that no official of the city seems to know who is responsible for the plan of this blind drain. Those who were on the witness stand disclaimed responsibility for its success or failure Speculation as to this surprising state of affairs is futile, but it may properly be observed that the expenditure of $4,000 on a work of this nature should call for more knowledge of its plan, its purpose and construction than is shown to have been possessed by those under whose direction it should have been constructed. To my mind the evidence fails to show with positive certainty the sources of supply of the water that flows into the ditch. Of course mathematical certainty can not be expected in such cases. The eye is unable to see through and into the earth and trace the percolation or flow of water through the soil, but, naturally enough, one infers that a ditch built near a running stream, the bottom of which ditch, in several places, is several feet below the bed of that stream, the intervening soil being porous, sandy and gravelly, will draw more or less water from the stream itself. At least that the underflow of the stream will, in some measure, be tapped, and the surface flow of the stream to that extent diminished Doubtless water comes into the drain by percolation or seepage, even perhaps in a perceptible flow, from the side of the ditch furthest from the stream The creek, however, is the natural channel into which either in the surface, or underflow pours all the water of that watershed, and if any portion of the water, that naturally finds its way into the creek, is, by the ditch cut off, then to such extent, such surface flow or under current is lessened.

The evidence, however, clearly shows that this drain has failed, thus far, to accomplish any useful purpose to the city in the way of increasing appreciably the flow of water in its canal; and it likewise appears that it has not diminished, sensibly, the surface flow in the stream below the headgate of the city's canal Before plaintiffs can complain of the acts of the city in constructing its drain, it must appear affirmatively that the flow of the stream below the headgate of the canal is sensibly diminished. This is not shown The surmise or suggestion of plaintiffs that the drain has been stopped up until this suit is decided is not sustained. The complaint, as to this drain, may be dismissed without prejudice, or, as to it, the cause may be continued for further hearing as plaintiffs elect.

EL PASO CANAL.

The validity of this decree, for the first time in this court, has been called in question. Since 1883 the water commissioner has been acting thereunder, whenever he has been called to act, in the distribution of the water to the different ditches in the water district The purpose of the legislature, in passing these comprehensive statutes, under which this decree was made, was, of course, to settle the vexed questions of priorities. The constitutionality of this legislation is now questioned The defendant says that, at least as to the ditches taken out prior to the adoption of the constitution, the legislature has no power to bring their owners into court and compel them to submit to its determination the questions as to the date of construction of their ditches and the capacities thereof.

The rights of these persons, says defendant, were vested rights, and it was beyond legislative control compulsorily to provide for an adjudication of the respective rights of the owners. The argument seems to be, inasmuch as the rights acquired were vested, and the acts in question provided not only for a determination of the respective priorities of the ditches and the carrying capacity thereof, but also that, in times of scarcity, water should be distributed to the respective ditches by the water commissioner in accordance with the determinations of the decree, and further, that those who did not, by a day fixed, comply with the terms of the act, should be cut off, and that after the lapse of four years the decree should be final and conclusive, and not subject to attack; that this conflicts with that provision of the constitution which provides "that priority of appropriation shall give the better right to waters of natural streams" What was the condition that confronted our legislature in 1879? It must be borne in mind that since the early settlement of the territory, the customs and laws have recognized the doctrine that the prior appropriator of water has the better right to its use for a beneficial purpose. The decisions of the courts uphold this doctrine, and the state constitution expressly declares it The earlier ditches were taken out about 1860, perhaps a little earlier The testimony as to dates of construction and carrying capacity of these ditches necessarily was confined to their builders, and in the ordinary course of nature, this testimony would soon perish with those who, only, could possess it. The water, as it flowed in the natural streams, was the property of the people. Only when duly appropriated did any individual rights in the water itself, or the right to use it, attach. Being then the property of the public before appropriation, those who acquired rights to it took them with the implied power of the legislature to prescribe the manner of the use, and the reasonable exercise of the police power of the state in distributing the water in times of scarcity, due regard being had to prior rights. Distribution of water, if made at all by the state, and all must concede that, in a matter of such vital importance, it could not be intrusted to the cupidity of the individual owners, must be made with reference to prior rights Before this could be done, those prior rights must be judicially determined, and in order that there might be an end to litigation, the legislature further provided that after the lapse of four years this determination should be conclusive. This court can see no constitutional objection to this legislation, either as to ditches taken out prior, or as to those taken out subsequent to the adoption of the constitution It contemplates no impairment of vested rights. Indeed it creates no new rights. It neither confers nor divests rights. Individual caprice, selfishness, greed and avarice could not, without bloodshed, riots and inextricable confusion distribute the water. The effect of this legislation is a regulation only of the rights which lawfully had been acquired. The state must be the only power that could grapple with the intricate problem. The property, whatever the nature of it be, whether it is property in the water itself or in the right to its use, is situate in the state, within the jurisdiction of the court. If any owner of a right, due notice being given, refuses to come into court and submit his claims to its adjudication, the decree of the court, which omits from its provisions the settlement of his priority, does not operate to divest him of that right and invest it in another person. The law still provides that he may, within four years from the date of the entry of the decree, establish his right in a proper proceeding. If he should not comply with this law, the theory of this legislation, like all statutes of limitation, is, not that the right is lost, but that the courts will not permit the one who asserts it to enforce the remedy. Until the courts declare all statutes of repose unconstitutional, this court is not prepared to set this legislation aside. An interesting comparison might be made between this legislation and the so-called "burned record act" of the Illinois legislature, designed to enable owners of property in Chicago to quiet title, the records of which were burned in the great fire. The legislation was upheld as a necessity to avoid inextricable confusion. No greater practical necessity can arise than the necessity for an equitable distribution of water, in times of scarcity, in this country.

The decree is further attacked because the statute was not followed in detail. It is said that the court considered each tributary of Fountain creek a separate stream, and awarded priorities to each such stream without considering them, as in fact they are, merely parts of the main stream.

Some trial courts seem to hold this the proper way However this may be, while it is true that the referee and the court numbers the priorities as suggested, yet in the decree the date of each ditch is given, so that while there may be more than one priority of the same number, yet no difficulty is experienced by the water commissioner in readily determining the respective priorities

It is said also that the ditches are numbered with reference not to their appropriation of water, but merely to the construction of the ditches. The statute would seem to contemplate two sets of numbers; one being the number of the ditch in the water district, the other that of the priority with reference to actual appropriation of water A careful examination of the decree shows a substantial compliance with the law in this respect.

The decree is otherwise criticized, but without further specification it may be said that none of the alleged objections are tenable

Both plaintiffs and defendants appeared before the referee and gave evidence, so far as the record shows, voluntarily. So no question of notice is in issue, and perhaps the defendant is in no position to attack the validity of this decree.

The court has jurisdiction of the parties and the subject matter, and upon the objections urged, no fraud, or mistake equivalent to fraud, being claimed, the validity of the decree must be sustained. The most of the objections to the decree urged would be pertinent, if hearing was had on the decree itself. But the entry of the decree cuts off these mere irregularities if they exist.

As a practical question, moreover, it could avail defendant nothing if this decree should be held void The decree itself creates no new rights; it only establishes, confirms and evidences, preexisting rights. If the decree was wiped out of existence the water in the streams would still be distributed with reference to priority of rights, and plaintiffs' rights are prior to defendant's In case of a conflict, then the courts would so decide; whereas, now, the water commissioner, appointed by the governor, makes the distribution under the decree upon the same theory.

Defendant spent much time in the attempt to show that plaintiffs were using more water than was originally appropriated. The evidence relates to a period of time prior to the date of the decree, and as the decree has been upheld, the evidence is immaterial.

Perhaps plaintiffs' case might be made out without a reliance upon the decree, as defendant by its own witnesses showed that their ditch was built long before any appropriation by the city, and showed also, its then capacity. But in the light of the decree that will be entered, it is thought best to pass upon the decree.

In one plea, the defendant sets up what, in argument, its counsel call indirectly an estoppel *inpais*, an adverse user, and a plea of the statute of limitation. The evidence in support of it, however, is not voluminous and consists chiefly in the declaration of Mr. Rose, one of plaintiffs, grantors, to the effect that he considered the city of more consequence to him than was the use of water, and, therefore, would not contest with the city. This may be true in fact. At best it applies only to a small interest now owned by plaintiff company. But it ordinarily requires something beside such a declaration to work a forfeiture of a valuable right. It does not appear that at the time of this remark any cause of action existed in Rose's favor against the city The city did not make any expenditures upon the faith of it. The remark never went beyond the ditch commissioner. The city's position was not changed. An estoppel could not thus arise To acquire a right by adverse user requires much more than has been shown here Indeed, while it may be acquired in a case of this kind, it is conceived that it would be a little difficult Only in times of scarcity of water would the question ordinarily arise, where both parties continuously use more or less of water. The evidence is conflicting as to whether before the year 1888 there was ever a scarcity of water in the Fountain ditch. It seems that plaintiffs' ditch and defendant's canal have been quite fortunate, heretofore, in being fairly well supplied. There is no proof to sustain a plea of the statute of limitation, and none is claimed

WATER WORKS.

The defense upon which the defendant chiefly relies, is a constitutional one The defendant is a city, duly organized under the general incorporation act. In support of this contention, reliance by the defendant is had upon sections 5 and 6 of article 16 of our constitution, which are as follows:

SEC 5. "The water of every natural stream not heretofore appropriated within the state of Colorado is hereby declared to be the property of the public, and the same is dedicated to the use of the people of the state, subject to appropriation, as hereinafter provided."

SEC 6. "The right to divert unappropriated waters of any natural stream to beneficial uses shall never be denied. Priority of appropriation shall give the better right as between those using the water for the same purpose; but when the waters of any natural stream are not sufficient for the service of all those desiring the use of the same, those using the water for domestic purposes shall have the preference over those claiming for any other purpose, and those using the water for agricultural purposes shall have preference over those using the same for manufacturing purposes."

It is conceded that plaintiffs' use of water is for irrigation, or agricultural purposes. The defendant contends that its use of water through the canal is for "domestic agriculture," and through its pipe lines is strictly domestic. Bear in mind that water through its canal is applied to the watering of trees, gardens, lawns and public parks, and small market gardens, these latter being situated within the city limits and aggregating about 100 acres.

The plaintiffs assert that the city, being a corporation, can have no natural wants, and hence cannot acquire water for domestic purposes. The opinion of Judge Brewer in the case of The City of Emporia vs Soden, 25 Kansas, 588, is cited in support of this theory. This opinion would seem to support plaintiffs' argument; but with due respect to the learned judge who wrote that opinion, it is suggested that the reasoning that applied in the Kansas case might not be conclusive in Colorado in a case like that at bar. But there are other considerations that render it unnecessary to decide this point Domestic purposes have been defined by a learned *nisi prius* judge of this state, as follows: "For household purposes, including water for drinking, washing, bathing, culinary purposes and the like; water for such domestic animals as are used and kept about the house, such as work animals and cows kept to supply their owners and their families with dairy products; and such other uses, *not being either agricultural or mechanical*, as directly tend to secure and promote the healthfulness and comfort of the home."

The term "irrigation," as used in our law, has been defined by our supreme court, "as denoting the application of water to lands for the raising of agricultural crops and other products of the soil."

Under the last clause of the definition of a domestic use, defendant predicates its claim that it is using water through its canal for "domestic agriculture." Courts always hesitate to attempt the definition of any term. Conciseness and comprehensiveness are difficult of attainment. It is much easier and safer to illustrate than to define. To foresee every possible case that may arise and to formulate in advance a definition that will be sufficiently elastic and yet sufficiently accurate to embrace it, calls for exact scholarship and a profound knowledge of the subject in hand as well as of the precise meaning of words. This is shown in the refusal of courts to define "fraud." We all have a general notion of what fraud is, but, perhaps, no two persons would agree upon the same formula of words in defining it.

The distinction between "domestic" agriculture and any other kind of agriculture is certainly fine, quite metaphysical. In its essence, is there any difference between irrigating a small tract of land surrounding a house in a city and irrigating a larger tract surrounding a house on a farm? Is not the difference one of degree, not in kind?

Grass grown upon the lawns, the trees upon the streets and in the enclosed lots, vegetables, berries and fruits in the gardens, and garden truck in the market gardens, all within the city limits, are not different in kind from the same products grown upon a farm in the rural districts. Because they surround, and are physically nearer to, the house of the owner than are like products with reference to the house of the farmer does not operate to change the nature of the things themselves. If these things are not "agricultural crops" within the meaning of the language employed by Judge Elliott in the above definition they are certainly "other products of the soil." The conclusion inevitably follows that the application of water to lands for raising such "products of the soil," be the soil within or without the limits of the city is not "domestic," but comes under the head of "irrigation" Therefore, the use of the water by the city through the canal being for irrigation is for the same purpose as that of plaintiffs'. The plaintiffs being prior appropriators their rights are paramount.

The use of the water flowing through the city's pipe lines made by the consumers is, in large measure, strictly domestic, under the narrowest construction that can be put upon that term Even if the city, as a corporation, and having no natural wants, can not, as against natural persons, acquire a right to use water for "domestic" purposes, as the term is used in our laws, yet, as fairly coming within the principles enunciated in the Wheeler case in 10 Colo, the city may be regarded as a carrier, and its inhabitants as consumers. The consumers certainly acquire rights to the use of water, which rights should be protected. The sale of water to railroad companies for use in their locomotive engines, the sprinkling of lawns and gardens are not domestic uses of water.

Let it be conceded that the water works supply water for domestic use, in whole or in part.

Then the defendant contends that, under the constitutional provisions above set forth, it can, without plaintiffs' consent, and without tendering or paying compensation therefor take and divert for domestic use the water previously appropriated by plaintiffs for purposes of irrigation.

The laws of this state and the territory have always recognized the doctrine of priority. The right of a prior appropriator is a vested property right It would seem, from the decisions of our supreme court, that this property consists in the right of the appropriator to the use of the water to the exclusion of the right to its use by a subsequent appropriator, rather than property in the water itself. The act of congress protecting such rights, in the language of Justice Miller in Broder vs. Natoma Water Company 11 otto 274 "was rather a voluntary recognition of a preexisting right of possession, constituting a valid claim to its continued use, than the establishment of a new one." The rights of the plaintiffs were acquired and vested previous to the adoption of the constitution. Section 5, above referred to purports to deal only with the unappropriated water of natural streams. Such water is declared to be the property of the people, and its use is dedicated to the people, subject to appropriation under the limitations prescribed by the fundamental law, in Section 6. These limitations are that the appropriation must be to beneficial uses; that as to those using water for the same purpose priority of appropriation shall be given the better right; in times of scarcity, domestic use shall have the preference over the use for agricultural and all other purposes, and agricultural over manufacturing

There is no question that, as to the then unappropriated water of the natural streams, the constitution could prescribe the terms and conditions upon which the use of the water which was the state property—could be acquired and exercised The individual who, after the constitution was adopted, invested money and spent time in building a ditch to carry water for irrigating his land, did so, being already advised, that if a scarcity of water should come, one who had appropriated water for domestic use from the same stream, after his right attached, would nevertheless have the preference His right, in other words, was not an unqualified vested right. It vested with the limitations above expressed. No hardship could result. But where an appropriation of water for irrigation purposes became perfected, or vested, before the constitution took effect, it is as much beyond the power of a constitutional convention to divest, or materially impair such right, as it is beyond the power of a legislature to divest it The fourteenth amendment to the federal constitution forbids it. Our own bill of rights is inconsistent with such power and repeated decisions of the United States supreme court expressly negative it. Gunn vs. Barry, 15 Wallace 623 Our constitution expressly deals with unappropriated water only. Water theretofore appropriated is not mentioned The provision cannot, in accordance with well known rules of construction, be held to have a retrospective operation. It deals with the future. It follows, from the foregoing views, that these provisions are not authority for the proposition of the defendant.

There is one view that might be taken which would support defendant's position. It was but barely mentioned in argument. It is that these constitutional provisions are merely declaratory of the law as it existed in and by the customs of the country prior to the adoption of the constitution itself If this be true, the proposition of defendant is tenable. But there is cited no decision of a court, no statutory provision, sustaining this view and there is no evidence of such a custom of distributing water. It rests merely upon the assertion of counsel. Until our own supreme court expressly rules that such has always been the law in this state, a trial court should long hesitate arbitrarily and without any evidence, but merely from reasoning upon what ought to be law, to hold that valuable rights should be and have been held with such qualifications.

But if the constitution is merely declaratory of pre existing law, still the city should make compensation when it impairs a prior vested right.

Upon this phase of the question it is suggestive and important in the absence of judicial decisions to the contrary to note that our first legislature, composed of able men, soon after the adoption of the constitution, and while the debates of the convention were fresh in the minds of the people, gave a legislative construction to these provisions of the constitution, and also as to what was the legislative view upon this very proposition The city is but a creature of the legislative power. Its powers are defined and limited. It has only such powers as the legislature gives it. In the town and city act, general statutes of 1883, pps 972 and 973, subdivisions 67, 68, 69 and 70 of section 3312, a city is given power to erect water works, and to condemn private property therefor. At page 974 subdivisions 73 and 74, the right is given a city to take water from any stream for its water works: "*provided*, that if the taking of such water shall materially interfere with or impair the vested right of any person * * * heretofore acquired residing upon such stream, or doing a milling or manufacturing business thereon, * * * it shall first obtain the consent of such person, or acquire the right of domain by condemnation, as prescribed by the constitution and laws, and make full compensation or satisfaction for all the damages thereby occasioned to such person."

If the city can, under the law, without compensation take water for its water works that has been theretofore appropriated by a farmer for irrigation, what is the necessity or reason for this legislative provision requiring a city to proceed by condemnation to acquire such rights and pay full damage, if in the taking a vested prior right is materially impaired.

In the absence of this power, thus given by the legislature to the city to erect water works and take water from a stream to supply them, the city could do neither. Coupled with this power is the direction to pay compensation for taking the property of another If the rights of the city to take water for domestic use is absolute supreme, paramount, superior and preferred to every other use, or if the legislature had so constructed the law to be, it certainly would not have given the city the sovereign power of eminent domain. It is fair to presume that a domestic use of water through the water works was contemplated. If the city sees fit to avail itself of this power, it must exercise it with all the limitations imposed, and strictly in accordance with the express terms of the grant.

While the city may be able to acquire this right, as against plaintiffs, to use water for domestic purposes, there is no pretense that plaintiffs have consented thereto, or been compensated therefor Hence the plaintiffs' rights are, at present, superior to defendant's.

It seems, from argument of counsel, that they attach importance to the fact that the defendant is a city; that it has power to despoil an individual of his property, not possessed by a natural person. Neither the constitution nor the laws passed by a legislature may confer any such despotic power. True it is that the sovereign power of eminent domain may be delegated to a municipal corporation, and thereunder private property be taken against the will of its owner, for the public use of the city But even this extraordinary power is qualified by the necessity for proceeding by due process of law, to ascertain the damages resulting to such owner by such taking, and payment of full compensation.

The city is merely an aggregation of individuals at best. Unless there is some constitutional sanction for it, an aggregation of individuals ought not to be allowed to appropriate by force without compensation the property of a single individual.

It is a mistaken view that a plea of necessity justifies what, if personal property, was, concerned, might be larceny. This water right of plaintiffs is just as much property as are their lands, and homes, their horses and wagons, or their gold coin or greenbacks. It is entitled to the same protection. Suppose the city desired the plaintiff's horses to draw a sprinkling cart through its streets. It pleads a necessity. This would not justify it in sending its policeman forcibly to take the horses. Suppose the city wanted to lay out lands owned by plaintiffs, as a public park Could the city, forcibly, and without compensation, seize these lands and accomplish its purpose? Wherein is the difference between the cases stated, and the attempt to appropriate this water right, without rendering compensation? It would seem that this illustration shows the untenableness of defendant's claim.

The very able presentation of this case by counsel has materially lightened my labors. The vast importance of the questions involved, not only to the plaintiffs, but to the defendant, has led me to examine the law and the facts as carefully as the time will permit. This examination has only confirmed my previous impressions. In my judgment the equities are with the plaintiffs.

The amount of damages to be awarded plaintiffs, is very difficult of ascertainment. I am not able to satisfy myself upon this branch of the case, much less is it possible to satisfy the parties The evidence is conflicting. The testimony of disinterested witnesses, who had the best facilities for determining, shows that some damage was suffered How much of it was due to the acts of the defendant, how much to other causes, can not be accurately told. Approximation is the best that can be done Whether plaintiffs would have received the water had defendant not taken it, or how much or how soon they would have got it is, in the light of the evidence, impossible definitely to say. The Broadmoor company suffered most. The finding is that the damages to that company be assessed at $50 and to Matthews at $25.

The temporary injunction heretofore granted restraining defendant from interfering with the water commissioner in distributing the water in accordance with the decree of the court, adjudicating the priorities of ditches etc. in water district No. 10, will be made permanent. There is no occasion for readjudicating the rights of the parties as between the Fountain ditch and the El Paso County canal. As the validity of the aforementioned decree is sustained it sufficiently defines the rights of respective owners, and provision, by law, already exists for the enforcement of the decree.

There will be no injunction at present granted against defendant as to the waterworks. The court must take judicial notice of the vital importance of this system to the city. In case of fire, destruction of the town might, and probably would ensue if water was cut off. For drinking and domestic use it is imperatively necessary. The plea of necessity on the part of the city for the use of this water must not, however eventually, prevail as against the rights of plaintiffs. But to cut off this water without giving to the city a fair opportunity and a reasonable length of time to provide for a supply of water in some legal manner, by purchase, by condemnation—if the city elects to proceed or thinks it can safely proceed in such manner or to provide for water in some other way, would be altogether inequitable. The city is able to respond for all damages that may ensue. When the granting of the extraordinary writ of injunction although warranted by the strict rules of right will work a hardship upon the party moved against, disproportionate to the hardship that will be suffered by the moving party if the application is denied, the writ should be, at least temporarily, withheld.

The same reasons do not exist in the case of the canal. The rights of plaintiffs and defendant, as owners respectively of the Fountain ditch and the El Paso county canal, were adjudicated in March, 1882 The water commissioner has acted under such decree for a long series of years The city should have anticipated a time of scarcity of water and made provision for a supply of water from other sources It should not expect the courts without due process of law to exercise a purely arbitrary power and take from one party his property and give it to another. Those rights, under this decree, are final judgments rendered years ago, and common business prudence should have dictated a resort to other means of relief, and not a reliance upon providential rains. This suggestion is made not in the nature of a criticism of the city authorities, for it is well known how perplexing and unsettled this great water question is, and the frequent changes in the membership of the city council seriously interferes with the carrying out of a comprehensive plan, but merely to justify the action of the court in adhering to and being guided by the common and well defined principles of the law. The decree will be according to the foregoing views.

After the decision had been read the attorneys asked a number of questions regarding the drawing up of the decree, and court was then adjourned until September 1, when Judge Campbell will hear whatever may be necessary in the case.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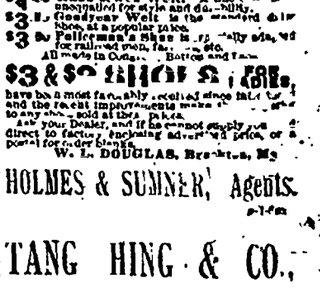
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### THE TALK OF A WATER RIGHT.

**A Reminiscent Lawyer Tells the Story of the Case of William Johnson vs. The City of Colorado Springs.**

Honesty is always and everywhere a good policy to follow. It is the only policy to follow, and this is not less true of a municipal corporation than it is of a private individual. It does not do for a man to steal water any more than it does for him to steal a horse, and the same rule of right applies to this city and every city. Anxious to get the opinion of a lawyer on the subject of the policy pursued by the water committee of our city legislature, a reporter called on Judge Cochran yesterday. The judge has been, aside from his professional duties to clients in the matter of water rights, an interested student of the whole question in this particular locality for more than ten years, and is particularly well able to speak upon it. He was quite frank in denouncing the policy pursued by the city in securing a water supply.

"Why they think," said the judge, "that they can just put out their hand and grasp any water that is convenient for use. That is a wrong policy to follow. Let me cite you an instance. Some years ago a client of mine named Wm Johnson ran a mill near Colorado City. His mill race came out of the creek near where the Manitou road crosses it. The city came along and put a ditch in above my client's race. The latter went dry and his mill was stopped. I went to the city and made a proposition that if they would pay Mr. Johnson $500 that he would be satisfied to let the matter drop. They laughed at me. Well, I brought suit. A change of venue took the case to Fremont county and when the case was closed the jury went out and returned in fifteen minutes with a verdict of $7750 damages for Johnson. The case was carried to the supreme court and finally we compromised it by the city paying Johnson $4000 and settling the costs. As the case was continued through a period of about two years the lawyers' fees and other costs must have been heavy. So you see what it cost to refuse Johnson's offer for an amicable and cheap settlement at the beginning."

"But that is not where the story ends," continued Judge Cochran. "Sometime after that Johnson offered to sell the city fifteen acres of land and his water rights for $600. He was an old man and his conception of values was not very good. The city again laughed at his offer. A man whose name I think was Bower bought the land and water right. They are not worth less than $20,000 to-day. Beside having missed the chance of picking up a valuable right and good property for almost nothing the city has constantly hanging over it the danger of a law suit with all it costs. The man who owns that old Johnson water right can any day bring a suit for damages."

### WHERE THE FOUNTAIN WATER GOES.

**Water Commissioner Shideler Makes a Statement About What now Becomes of the Water in Fountain Creek.**

Water Commissioner Shideler was seen by a reporter yesterday for the purpose of ascertaining what is becoming of the Fountain creek water. Mr. Shideler talked readily and what he said was about as follows:

"Until about four weeks ago," said the commissioner, "there was plenty of water in the Fountain for everybody and everybody that owned rights on it was getting a full head. The long dry season, however, began about that time to have its effect on the stream and it fell rapidly. Those along the upper part of the stream were getting all the water and those below who had priority of right of course objected. I went out then and began to give out the water by numbered right, beginning at No. 1 and going up. We have now reached Nos. 5 and 6, and they are getting all the water now. No 5 is the Lincoln ditch, about 16 miles down the valley, and No 6 is the Stubbs and Miller ditch, about six miles south. These two ditches are large ones, and it takes all the water in the creek to fill them. Just as soon as the land along those ditches is irrigated we will move up again and go on as rapidly as possible but as the city's right is No. 32 you can easily see that it will be a long time, two weeks certainly if not longer, before the city will get any water from that source. Three weeks ago last Monday after the city had been without water for some days, I got the assent of all the owners of rights on the Fountain creek to the city having the water for a few days and it was turned on for a week. Saturday two weeks ago it was turned off again and the city has had none since. I never knew the Fountain to be so low at this season of the year as it is now. We usually have rains about this time."

The impression is held by many people that the Broadmoor company has been getting all the water that usually comes to the city. The error of this impression will be seen from Mr. Shideler's statement. None of those below the city owning water rights have had any water for four weeks except those whose rights number from 1 to 6.

#### Held By the Enemy.

One of the most interesting characters in "Held By the Enemy," which will be presented here on Saturday, July 12, is that of Rachel McCreery, which is in the hands of that charming actress, Miss Adele Belgarde. She is engaged to be married to her cousin, Gordon Hayne, a confederate lieutenant, whom she honors but does not love. Although Rachel learns to love Colonel Prescott, who loves her in return, she possesses the southern woman's devotion to her honor and plighted word and repulses his suit. At this stage of the proceedings, Rachel's affianced husband in the guise of a spy breaks through the federal line and visits the home of the McCreerys. He is arrested there by Colonel Prescott, and is subsequently tried by court martial. While the trial is in progress, Prescott produces certain papers he has taken from Hayne after the capture. These papers, which are plans of the position of the Union army, prove Hayne guilty of being a spy. Rachel at once accuses Prescott of having forged them in order to get rid of a dangerous rival. His nobility of character and his love for Rachel induce him to not deny the accusation. Hayne, impressed with this evidence of nobility, emulates the example and admits to be ing the bearers of the papers. He is accordingly condemned to death.

### CRICKET.

**The Home Team Worsts the Wilson Barrett Team.**

Yesterday's cricket game between the home team and Mr Wilson Barrett's company was a most enjoyable affair. The weather was beautiful and the cricket good. The visitors won the toss and elected to bat, sending Messrs Welsh and Belmont to open the defense against the attack of Messrs King and Hamp, though all the team showed fair batting capabilities the bowling of Mr. King and later on of Mr. Collbran proved a little too much for them and all were disposed of for 45 runs. Messrs Elliot and P. Belmont with 13 and 9 respectively were top scorers, but much credit is due to the rest of the team for their playing considering that the majority of them had had no practice for years.

As was to be expected the home team soon wiped out the runs against them, Mr. King being in his best form and punishing the bowling freely. His score of 54 consisted of a 6, 5 fours, 6 threes and singles. Most of the others did well and the innings closed for 125, Elliot bowling well and getting six wickets.

In playing out time the visitors were more fortunate and scored 50 for the loss three wickets. The pleasantest game of the season thus ended in a win for the Springs by 80 runs.

It is quite likely that the distinguished emotional actress Maud Granger will play here during the coming season, as negotiations to that effect are now in progress. Miss Granger has not played west of Pittsburg during the past two years, her engagements having been confined exclusively to the larger eastern cities. When in Paris about a year ago she purchased from Miss Lucy Hooper the emotional play "Inherited," originally produced under the title of "L Heritage de Helene." Miss Granger successfully produced the play in the eastern cities this spring and in the fall will present it in San Francisco and later for an extended run in New York.

Manager Frank Murray, of the Wilson Barrett company, has spent the past week in the city while awaiting the arrival of his company, and has taken a much needed rest. Mr. Murray is an old newspaper man and a pleasant gentleman. Next year he will have the management of Frank Daniels in "Little Puck" on the road and hopes to bring this star to our city.

The Louisiana rifles, the crack New Orleans military company that escorted King Rex II to Ogden, spent a few hours in the city yesterday en route home. The party numbers forty.

Mr. Nathan Powell, of Ft. Worth, Texas, is in the city, a guest at The Antlers.

#### STATE ITEMS.

Grand Junction is suffering from a horde of tramps and petty thieves.

A fire at Bessemer on the Fourth consumed the chemical laboratory of the steel works, causing a loss of $1,500.

The Pike's Peak bonfire was clearly visible from this city on the evening of the Fourth. The distance is over forty miles.—[Pueblo Opinion.

A Custer county man claims to have discovered a ledge of marble 1200 feet wide and two miles long and of the finest quality in the Sangre de Christo range.

Colorado is to have a cowboy band of its own. The charter and complete paraphernalia of the former famous Cowboy band of Dodge City, Kansas, has just been transferred to the Rainbow band of Silverton.

The Aspen Chronicle says the Peachblow quarries, on the Frying Pan, better known as the Wilson quarries, have a contract for furnishing 300 carloads of stone for Chicago. A large force of men is now at work getting this stone out and shipping it.

Twenty crates of Grand Valley peaches, large and luscious, were shipped Thursday to prominent persons in different points of the state. Being the first of the season, they were immediately bought up by a number of prominent busin and real estate men.—[Grand Junction Star.

#### The African Problem.

Harper's Weekly.

The solution of the African problem is not yet. It is one thing to cast lots for African provinces, but quite another to realize them when cast. A deadly climate, dark jungles, and vast deserts, to say nothing of the treacherous African himself, are all potential agents to bar the progress of greater forces perhaps than even England and Germany can employ. And then it is by no means certain that the German eagle and the British lion are to live peaceably together in Africa. Their interests are widely apart; and besides, the latter is not likely to forgive the German for presuming upon taking half of these stolen honors.

The protectorate at Zanzibar may yet prove to have been a poor exchange for Heligoland; and even if the cession of the latter place does not cost the life of the tory ministry it is by no means impossible that it soon will provoke a peremptory summons from France to terminate the occupation of Egypt.

#### The Hooded Seal.

Harper's Young People.

An interesting denizen of the ice fields off the Greenland and Labrador coasts is the stemmatopus, or hooded seal. This is an ungainly beast, often larger than an ox. He lies in a great heap on the ice, and is much the color of soot. On days when the sun is strong, as the spring advances, the oil fairly oozes out of his glistening skin. I have sometimes seen him lying so still, and bathed in his perspiration of oil, that I imagined him dead, and "rendering" out in the heat. The seal hunters call him the "dog hood," because he has a huge hood or membrane consisting of blubber and a tough tissue, several inches thick, which in the twinkling of an eye he can draw over his head. He is then safe from all ordinary assault, being shielded all over the body by several inches thick of blubber or fat, through which the heavy shot of the seal hunters' gun cannot reach vital parts. The greenhorn delights to capture the pelt of a dog hood, but the experienced hunter is just as content to let the ugly brute alone.

Elihu Vedder, who has just returned to his home in Rome after a four-months trip on the Nile, had 180 drawings, sketches and paintings with him as the result of his labors.

Henry Martin, the young man who fell from his horse and was picked up on the prairie, died during Monday night and was buried at Evergreen on Tuesday. He never regained consciousness.


Miss K. Moody, lately from Denver, is prepared to do hair dressing of all kinds; also carries a full line of hair goods, langtry bangs, switches and hair jewelry and flowers. Room 22, Park block. g-10-tf

THE WABASH RAILROAD.

THROUGH PULLMANS from Colorado, Utah and Wyoming to St. Louis; this requires but one change of cars between points in the State and Territories above named to New York, Boston, Philadelphia, Baltimore, Washington, Pittsburgh, and other eastern points.

THROUGH DINING CARS from Denver to St. Louis, connecting at that point with through diners from there to the principal eastern cities, abundance of the and the finest menu the market affords.

THROUGH FREE CHAIR CARS via the Wabash to all principal points on its line viz: Chicago, Toledo, St Louis, Lafayette, Jacksonville, Peoria, Des Moines, Danville, Springfield, Detroit, Ottumwa and intermediate points.

MANN BOUDOIR CARS are run between Kansas City and St. Louis, Chicago and Toledo. These are the most elegant passenger coaches ever built, and insure the utmost privacy and luxury. An elegantly equipped buffet is a prominent feature of this service.

FULL PARTICULARS upon application to C. M. HAMPSON, Commercial Agent, Denver. f-26-eu th tf

A WHOLE DAY IN DENVER.

Not quite, but almost by taking Santa Fe 7.45 a. m. train which arrives in Denver in advance of other lines, and does not leave Denver until 5 00 p m, arriving at Colorado Springs at 7.45 p. m. g 9-5

The Denver and Rio Grande Railroad is now running 7 daily trains to Denver. The first train leaves at 7.50 a. m, arriving in Denver at 10 30. This train starts from Manitou, is an elegant broad gauge train and always on time. Returning leaves Denver at 4 p. m., arriving here at 6.40 p. m. Ticket office, No. 16 North Tejon St., Bank Building. f-17-tf

Rock Island train to Denver at 6.30 p. m., every day. No delays. g-3 tf

A NEW TRAIN TO DENVER.

The Great Rock Island Route has put on another train between Colorado Springs and Denver, leaving Colorado Springs 6.30 p. m, sharp, and arriving Denver at 9 p. m. There is no possibility of this train being late as it starts from here. This is a new train, and does not affect the 8.30 a. m. train to Denver which is fast becoming so popular with people desirous of spending the day in Denver. g-3-tf

PULLMAN PALACE SLEEPING CARS.

On Santa Fe train leaving Colorado Springs 7.50 p. m, for Trinidad, arriving there 6.45 a. m., arriving at Las Vegas 12.40 p. m., and at Santa Fe 4 50 p. m. f-1-tf

THE BURLINGTON ROUTE.

Offers to the travelling public between Denver and Chicago and Denver and St. Louis, the advantage of two (2) splendidly equipped through trains daily, passing en route via Lincoln, Omaha, St. Joseph, Atchinson, Kansas City, Quincy, Hannibal, Burlington and all intermediate points.

The Burlington equipment is made up of Pullman Palace Sleeping cars, reclining seat chair cars, free, the famous C. B. & Q. Dining cars, and large roomy day coaches. To enjoy the advantages of through trains, quickest time, and sure connections, ask your ticket agent for tickets via the Burlington Route. b-1-tf

SUBURBAN TRAINS.

Beginning Monday morning, July 7th, the suburban trains on the Colorado Midland will run as follows: Leave Union Depot Colorado Springs 7 55 a. m., 10 45 a. m., 1.30 p. m., 4.10 p. m., and 6.15 p. m. Returning will arrive here at 3 30 a. m., 8.30 a. m., 10 30 a. m., 3 50 p. m., and 6 25 p. m. The train arriving here at 8 20 a. m., and leaving at 6.15 p. m, makes a round trip every day between Florissant and Denver, and is known as the Business Man's train. g-10-tf

Call at Rock Island Ticket office, No. 12 Pike's Peak, and get reduced tourist rates to Eastern summer resorts. g-3-tf

The Great Rock Island Route is running the only solid vestibule trains direct to Chicago, St. Joe and Kansas City. These trains are made up of latest design Pullman Palace Sleeping cars, equipped with all modern conveniences, elegant free reclining chair cars and the best possible dining car service besides smoking cars, etc., and without doubt deserves the favor which it has gained at the hands of Colorado Springs people.

W. W. WOOD, Ticket and Pass Agent, 12 Pike's Peak Ave. Telephone 97. g-3-tf

Nellie Bly Flyer for Denver, 4 20 p. m; Pueblo, 4.25 p. m. f 1 tf

Double daily service between Colorado Springs, Trinidad and Santa Fe, N. M, via Santa Fe Route." f-14f

Through Pullman sleeping cars, Colorado Springs to Las Vegas Hot Springs, N. M., via The Santa Fe Route $15.75 for the round trip. g-9 10

Go east via the Great Rock Island Route. g-3-tf

To avoid any vexation on account of delayed trains take the Rock Island 8.30 a. m., or 6 30 p m. train to Denver, returning leave Denver 7.45 a. m, and 3.25 p. m. g-3-tf

NOTICE.

Commencing Friday morning, June 20th, all Colorado Midland trains, both Freight and Passenger, will arrive and depart from Denver and Rio Grande depot, which will be known as the Union Depot in Colorado Springs. No change in time of arrival and departure of trains. f-20-tf

EXCURSION RATES VIA SANTA FE ROUTE

| | |
|---|---|
| Santa Fe, N. M., and return | 27 45 |
| Las Vegas Hot Springs, N. M. | 15 75 |
| Canon City, Colo. | 5 00 |
| Pueblo | 2 50 |
| Denver | 4 50 |

Ticket Office, Opera House Block. g 9 10

SOMETHING NEW,

Double daily limited train service between Colorado Springs and Denver, leave Colorado Springs 8 30 a. m., and 6.30 p. m., arrive Denver two and one-half hours later, via the Great Rock Island Route. g-3 tf

RIO GRANDE RAILROAD.

The Denver Special train leaves at 3 25 p. m., arriving in Denver at 5 55 p. m., making connection with all trains east.

SANTA FE ROUTE FOR TEXAS.

Train leaves Colorado Springs 7 50 p. m., arrives at Fort Worth 7.15, second morning; and at Galveston at 11.40 p. m. f-1-tf

The fare on the Rock Island Limited trains between Colorado Springs and Denver is just the same as via other lines. $4.50 for the round trip. Good ten days. g-3 tf

Denver and Rio Grande R. R. six daily trains:

| | |
|---|---|
| Round trip to Denver | $4 50 |
| Round trip to Pueblo | 2 50 |

Through tickets to all points at the lowest rates. No. 16 North Tejon St, New Bank building. d-5-tf

LOST.

LOST—Left in closet at Denver and Rio Grande depot, a black leather pocketbook containing $10 in bills and some Depot hotel cards. Finder will be liberally rewarded by leaving with the agent at D. & R. G. depot. 1*

LOST—A buckskin purse on Nevada Avenue, between the Beer Garden and corner Willamette and Corona. Finder please leave at this office. g-10-tf

LOST—A Mexican gold filigree bracelet between the Iron Springs hotel and the D. & R. G. depot, on July 4th. Finder will please return to Iron Springs hotel. A liberal reward will be given. g 9 2t

LOST Gold glove buttoner, four leaf clover pendant. The finder will please return to office of The Colorado Loan and Mortgage Company and receive reward. g-8-tf

LOST—Lady's silver watch with gold trimmings, gold chain and charm, near or at D. & R. G. depot. Finder will be liberally rewarded by returning the above to the Alamo Hotel. g 8 tf

WANTED.

WANTED—Girl for general housework in small family. Apply 1319 N. Nevada to Mrs. J. K. Miller. g-10-tf

WANTED—Family washing at 421 S. Sierra Madre. g 10-?

WANTED—A situation for second work or plain sewing. Call at 414 East Huerfano. g-10-3t

WANTED—Situation by a girl for general housework or cook. 329 S Cascade. g-10-2t

WANTED—By 2 young men, board and room in private family; state rates per week. Address J, this office. g 10-2t

WANTED—Girl for general housework; wages $20. Apply at 407 North Nevada, between the hours of 6 and 1. g 10-3

WANTED—Situation by two girls, one general housework, and other waitress or child's nurse. 409 S. Nevada Ave. g 9 2t

WANTED—Fifteen laborers at Ute Park; $2 per day. Apply to Chas. Tweed, foreman. g-9 6

WANTED—A girl for general housework to go into the mountains. Apply at 115 East Willamette. g 9 4

WANTED—Situation as house keeper in a small family. Address 217 S. Weber St. g 8-3t

WANTED A man with good references to cook for nine men and drive team on trail with sheep. Inquire 106 South Tejon St. g-tf

WANTED—Two girls to wait on table, and do chamberwork. The Alta Vista. g 5-tf

WANTED Young man to take charge of lunch counter. E. F. Clark, Depot Hotel. g-3-tf

WANTED—Competent cook and second girl. Apply John J. Ashman, 304 E. Bijou St. g 3 tf

WANTED—Excellent dinners for Sunday excursionists; 50c. St. Elmo, Manitou. 12-1m

WANTED Intending purchasers of suburban homes and investors to examine attractions of "Walnut Hill" before buying. Anderson & Farrar, room 7, Nichols block. 15-tf

WANTED—A N. Peale Employment agent, 104 S. Tejon St., up stairs, at the old stand. o-24 tf

J. M. Harden, Employment Agent, 31 East Huerfano St., over Green's Grocery. o-tf

WANTED Large clean rags at the Gazette office.

FOR SALE.

FOR SALE Lots 1 to 6, block 71, known as the old High school building will be sold at auction at 10 o clock a. m., Thursday, July 17, 1890. Terms: ⅓ cash; ⅓ 1 year; ⅓ 2 years at 8 per cent.

FOR SALE—Two houses in good location, 3 blocks from Postoffice; 50 feet front by 190 feet deep. One a double house just built; rents for $50. Call on F. A. Neff, 105 S. Tejon Street. g-10-tf

FOR SALE Household furniture, at 111 S. Weber st, consisting of chamber set; folding bed; chairs; tables; stoves; kitchen utensils, etc., etc. A good chance for parties just going to housekeeping; also house to let, possession given about August 1st. g-10-eo 1-6

FOR SALE—A $25 gasoline stove with 3 holes and oven; almost new; price $12. Apply this office. g-8-6

FOR SALE Two 16 gallon copper soda tanks. A bargain. P. O. box 507. g-6 tf

FOR SALE—A few Jersey cows. Just the thing for a family cow. Address F. W. Isham, Garden Ranch. f-28-12

FOR SALE—A few Holstein cows, or we will exchange for good cows of other breeds. Apply Broadmoor Dairy. f-21-tf

FOR SALE—Nice building lots in Libue, from $125 to $600. Barnes & Irvine, 105 E. Pike's Peak Avenue. f-19-tf

FOR SALE—A good, gentle horse; buggy and harness, at 25 S. Cascade avenue. f 17-tf

FOR SALE—A good horse and buggy. Call at 25 S. Weber. f-6 tf

FOR SALE—Cheap, a double tent, 10 by 20 ft. Inquire at this office. f-6-tf

TO RENT.

TO RENT—Six room brick cottage, No. 320 S. Cascade Avenue. Apply at Stone House, or 107 E. Huerfano. F. L. Rouse. g-10-tf

TO RENT—Store room in basement of my harness store; also one large front room, upstairs; unfurnished. Call on F. A. Neff, 105 S. Tejon Street. g-10-tf

TO RENT Suite of rooms, with board. 128 North Weber Street. g-5 tf

TO RENT—An eight room unfurnished house, No. 301 S. Monument Street; all modern improvements. Ervay & Reynolds, No. 3 N. Tejon Street. g-9 3

TO RENT—The large thirteen room house known as the Franc O. Wood residence, No. 216 N. Weber Street; well furnished; bath room, etc. Ervay & Reynolds, No. 3 N. Tejon Street. g 9 3

TO RENT—3 or 4 desirable rooms, furnished for housekeeping. 412 S. Tejon St. f-6-6*

TO RENT Several bright sunny rooms, with or without table board, at Miss Price's 210 N. Cascade Avenue. g 4-6

TO RENT Office rooms on first and second floor; the best location in the city. Edward Ferris, 104 Pike's Peak Avenue. g 4-tf

TO RENT—Furnished room; gas; hot and cold water. 23 South Weber Street. f 23-tf

TO RENT—Rooms in the Hagerman Block. Apply Coffee Club House. E. F. Clark. f-24 tf

TO RENT—Rooms with board for six, at 320 East Kiowa. f- 1-tf

TO RENT—A flat of 12 rooms, handsomely furnished, in Hagerman Block. A good opportunity for any party wishing to let rooms by the day, week or month. Inquire of E. F. Clark at Depot Hotel. f-21-tf

TO RENT—Furnished. Suit of rooms, down stairs, south front, light housekeeping, if desired; also single upstairs rooms, cheap. 512 High Street, corner of Oak. f-15-tf

TO RENT—Suite of rooms with board. 11 Willamette ave. f-1-1m*

TO RENT One new nine room house with every modern convenience, on Cascade avenue, above the college, and a 7 room summer cottage at Woodland Park. Edward Ferris, 104 Pike's Peak avenue. e-25-tf

TO RENT—New and handsomely furnished rooms at No. 18 west Kiowa St., first house west of Cascade avenue. e-27-tf

TO RENT—Square and upright pianos and organs. Music Store. [illegible] tf

MONEY TO LOAN.

THE Colorado Loan and Mortgage Co has money constantly on hand to loan on choice real estate security. No delays. Lowest rates. Rooms 15 and 16, New Bank building. e-tf

P. O. Box 707. Telephone 158.

BROADMOOR

Cheyenne : Lake!

FOR RESIDENCE TRACTS

IN THIS

FAVORITE : SUBURB

APPLY TO

Henry LeB. Wills, Colorado Springs.

OR TO THE

Officers of the Company.

Invest in any Colorado Springs Real Estate and you will make money. A prudent man, however, will compare before deciding. You are asked to compare the Prices and all the other advantages of THE NORTH END ADDITION, with everything else offered. Principal office, No. 12 North Tejon Street.

SINTON BROS.' DAIRY

Fresh Milk, Cream, Skim Milk

[illegible]

B. B. B.

BOSTON BROWN Bread. Such as is made in Yankeeland. It is steamed, not baked. Packed in a full quart can. You can have it hot by boiling can in water. It will keep fresh indefinitely. It is healthy. It is delicious. At your Grocers'.

The Simpson Packing Co.

S. T. WICKS, Contractor for Sewer and Waterworks. Dealer In FITTINGS AND SPECIALS. Box 737, Colorado Springs. k-3-tf

FOR EITHER AN INVESTMENT Or a Home. Buy Property Now. Come and Look over our List. We have some SPECIAL BARGAINS In all parts of City and Additions.

OUR SPECIALTIES: Knob Hill, Boulder Heights, Grand View, West Colorado Springs, etc. Several ranches for sale. Call and look over our list of properties. Conveyance always ready to show property. INSURANCE WRITTEN! MONEY TO LOAN!

PLUMB & WALKER, No. 18 N. Tejon St., Opera House Block.

CHAS. E. WALKER, CIVIL ENGINEER! Reservoirs and Irrigating Canals, Examinations and Surveys of Coal and other Mineral lands. No 18 N. Tejon St., [illegible]

Closing Out! Their Entire Stock of Hardware, Tinware, CUTLERY AND STOVES, without reserve to close partnership.

Goods will be sold at greatly reduced prices for the next TEN DAYS.

Good Tinware will be sold for the prices of trash at the cheap stores.

Cutlery and Mechanics' Tools way down.

These prices will be for SPOT CASH.

Rouse & Heyse, No. 107 East Huerfano Street. e-lj-tf

F. A. NEFF! Manufacturer of and Dealer in Hand-Made Harness, SADDLES, ETC. Headquarters for Trunks and Traveling Bags. Repairing of every kind neatly executed at lowest prices. Just received a car load of TRUNKS AND VALISES. No. 105 S. Tejon St. g 10-1m

DON'T BUY A Suburban Home WITHOUT EXAMINING "WALNUT HILL." ANDERSON & FARRAR, AGENTS, Room 7, Nichols Block. f-tf

W. H. D. MERRILL, 111 N. TEJON ST. Practical Plumber & Contractor FOR STEAM HEATING. [illegible] Cheap John Houses Are Trying to Imitate

GREEN MOUNTAIN FALLS HOTEL. $2 50 to $3.50 per day. Excellent Cuisine, Billiards, Bowling Alley, and Boating.

THE TERRACE. $2 per day; $10 to $12 per week. Meals, 50c. A. A. WARREN, Proprietor. f-14-1m

GEORGE SLEEMAN, CONTRACTOR AND BUILDER. Jobbing Promptly Attended To. [illegible]

Fresh Cakes, Candies AND ICE CREAMS! All Orders for Cream and Ices Will be Promptly Filled and Delivered.

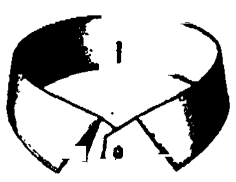
Chicago Bakery. Dairy in Connection.

Thos. Gough, Jr., Next Door to Postoffice. a-e-ly

Annual Meeting of the Stockholders for the El Paso Electric Company.

Notice is hereby given to the stockholders of the El Paso Electric Co., that a meeting of said stockholders will be held at the office of the Company in the city of Colorado Springs, Colorado, on Monday, the 11th day of August, 1890, at 4 o'clock p. m., for the purpose of electing officers of said Company, and also for the transaction of such other business as may properly come before said meeting. O. L. GODFREY, Secretary. g 10-4t

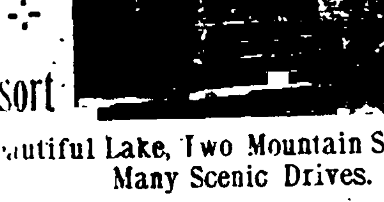
C. E. EVANS & CO., HATTERS & OUTFITTERS, 30 Pike's Peak Avenue.


This cut represents the Latest Style in Turn-Down Collars. NATILLO.

A Large Line Just Received. ALL THE LATEST NOVELTIES IN SUMMER NECKWEAR.

BUY A LOT AT Green Mountain Falls


THE Leading Resort OF THE Rocky Mountains.

A Beautiful Lake, Two Mountain Streams, and Many Scenic Drives.

LOTS FROM $75 TO $500.

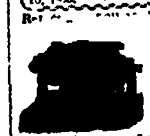
Address The Green Mountain Falls Town & Improvement Co., 112 PIKE'S PEAK AVE., COLORADO SPRINGS. (e8tf)

GUESS AND GET $100, $50 or $25, FREE Given Away by THE GREAT DIVIDE, the $1 Dollar Monthly in the [illegible]

CLEAR, FAIR AND CLOUDY Predict the Weather in Colorado. [illegible]

THE GREAT DIVIDE PUB. CO. P. O. L. T. DENVER, COLO.

REMINGTON STANDARD TYPE-WRITER Has been for Fifteen Years the STANDARD, [illegible] achievements in inventive [illegible] WYCKOFF, SEAMANS & BENEDICT, [illegible]

DAILY WEATHER REPORT.

U.S. SIGNAL OFFICE, COLORADO SPRINGS, COLO., July 9, 1890.

| | |
|---|---|
| 5 a.m. | 64 |
| 10 a.m. | 70 |
| 2 p.m. | 75 |
| 6 p.m. | 72 |
| 10 p.m. | 68 |
| Mean | 70 |
| Precipitation | .00 |

Partly Cloudy

W. E. MILLER, Sergt. Signal Corps

Pitts & Woolley put a new Mosler safe into the office of the Broadmoor company yesterday.

A. N. Peale & Co sold on Monday to Lewis Wiltse two lots in Washington Heights addition to Colorado Springs.

A blaze in a box in the second story of the Delmonico, gave cause for an alarm yesterday morning There was no damage

The boot and shoe men of the city have joined the early closing movement, and on Tuesday evening, began closing at 7 o'clock.

Mr. B. F. McIntyre, a druggist from New York, has arrived in the city and accepted a position with G. B. Storer's pharmacy.

The attention of contractors is called to the advertisement for bids for constructing the new sewer lines, to be found in another column.

Mr. C. W. Green, of the grocery firm of Green Bros., has gone to the Pacific coast for a trip of recreation and health, but may decide to locate

Reserved seats are now on sale, at popular prices, for the great war play, "Held by the Enemy," to be produced at the opera house next Saturday.

The largest number of people who have gone up the Peak by the carriage road in one day this year was on Tuesday, when sixty three persons made the at tempt.

The wife of A. M. King, who is held as a conspirator in the Flori sent robbery last year, has begun suit in the courts at Leadville for divorce.

Mr. Wallace Aux, well known as a former Colorado Springs boy and a son of Mr. Geo. Aux, was married to Miss Emma Baldwin, at Elbert, Colo., last week.

All P. G. members of Pike's Peak lodge are requested to be present at the meeting of the lodge this evening, to take part in the election of grand lodge officers.

Last night Coroner Marlow had heard nothing from the relatives of Shadre M Shivers, who committed suicide Monday night If he hears nothing to-day the body will be buried to-morrow. The dead man left sufficient effects to provide for his burial.

In the county court Jessie A. Newman has been granted a divorce from Jesse B Newman, and Wm H. Armstrong has been granted a divorce from Sadie J Armstrong. Mary E. Spain has began suit for divorce from Henderson E Spain, alleging adultery and desertion.

A chemical ice machine company for Colorado Springs and vicinity was organized yesterday by Frank White, D. C. Henry and E B Durfee. The company will at once take necessary steps to put in a first class machine, with a capacity of 25 tons daily

Mr. T L Liagle has disposed of the Saturday Mail to Mr. Will D. Carr, lately of Knob Noster, Mo Mr Carr's printing outfit has arrived from Missouri and will at once be put in a room on Pike's Peak Avenue, near the Elk hotel A new democratic paper, daily and weekly, will be commenced at once. Will Carr has a wide reputation as a newspaper man and will try to make things lively. O. M Howard, who founded and built up the Saturday Mail, has been employed by the new firm, and "Me and Eli" will contribute to the new venture.

BUSINESS LOCALS.

[illegible] for first insertion; five cents for each subsequent insertion. Advertisements to go in every other day, or on alternate days of the week, 11¢ a line for first time.

HALLETT & BAKER.

[illegible] No 7 Cascade Ave. Telephone No 16. d 3t

FOLDING BEDS!

[illegible] for everybody at Fairley Bros.

[illegible] for children.

[illegible] folding [illegible]

[illegible] Folding Beds.

Upright Folding Beds in great variety.

[illegible] from $12 50, and adding from $[illegible] to $5, on up to 100 and 150 dollars at Fairley Bros

[illegible] perfect working Folding Bed on the market at Fairley Bros

A complete line of the celebrated ANDREWS FOLDING BEDS, always in stock, at Fairley Bros

Closing out fine Bureaus and Buckboards, at cost. J. F. MAYBURY, f 9t 12f 118 Cuche [illegible] Street.

AUCTION! AUCTION!

FOR SALE Lots 1 to 6, block 71, known as the old High school building, will be sold at auction at 10 o'clock a. m., Thursday, July 17, 1890. Terms: ⅓ cash; ⅓ 1 year; ⅓ 2 years at 8 per cent [illegible]

INVESTMENT.

A party wants to invest $10,000 in Real Estate. Address, confidentially, "C," P. O. box 511. 18

SPECTACLES fitted accurately at Ashby's.

PENSIONS.

I will in a few days have a supply of blanks for applications for Pensions, under the late law, and with a practice of twenty five years, can guarantee success. No Pension; No pay. Inquire at County Treasurer's office, Colorado [illegible], or at 410 South Weber Street.

f 9 tf A. McCREERY.

HEADEASE will cure the worst case of headache. f-29 tf

WANTED.

An [illegible] building party with means to provide [illegible] equipment to sell and deliver throughout Colorado Springs and Colorado City my [illegible] Iron, Magnesia and Soda Waters from [illegible] springs on terms that will insure large and profitable returns, through a long term of years. NORMAN C. JONES, g 18 tf Manitou Springs, Colo.

Go to and get the Great Divide.

[illegible] the San Francisco Tea and Coffee Co., at 116 S. Tejon Street is headquarters for Teas and Coffee, Pure spices and Extracts [illegible] of choice [illegible], Formosa, [illegible] Oolong, Ceylon and English Breakfast Teas; the most aromatic [illegible], Java and Rio Coffee. They also keep a full line of Cigars [illegible] and Groceries at lowest prices f 8 tf

FIRST CLASS [illegible] to join Mr. Warner's sketching class [illegible] to Manitou, Thursday, July [illegible] g 9 tf.

SPECIAL SUMS TO LOAN.

We have received a course of [illegible] and [illegible] to loan on city property, for a term of three or five years at a current rate of interest.

EDWARD FERRIS, g 8 tf 104 Pike's Peak Ave

FOR SALE.

The elegant brick residence situated on the northwest corner of the intersection of Platte Avenue and North Tejon street and fronting Atwain Place; lot 100x150; fronting south and east; large basement; two stories and attic rooms; pressed brick walls with stone trimmings; plate glass windows and hard wood finish throughout. Seven open grates; fine furnace and registers in every room; finished in cherry, ash and walnut; bath; hot and cold water in all parts of the building; electric call bells and speaking tubes. Baggage and fuel elevator. Seventy feet of broad handsome veranda. Fully equipped laundry in basement. Mantel and panel mirrors of the finest quality of plate glass. Ample lawn and trees and shrubbery. Fencing and cement walks at an expense of $1500 Two story frame barn with room finished for coachman; piped for water and gas; large carriage room and stalls for several horses, everything built in the most substantial manner. The lot one of the most valuable in the city and unequalled for convenience and beauty of location. Were the ground vacant to-day, it could not be bought and the present improvements placed on it for less than $40,000. The cost of buildings, pavements, fencing and other improvement over $[illegible]. The lot, unimproved, would be held at not less than $18,000. It is the most valuable corner lot in Colorado Springs on which a residence building stands. For a short time this property will be on the market at $35,000, and is the greatest bargain ever offered in this city: $40,000.

JOHN POTTER, g-2-tf 13½ South Tejon Street.

Go to and get the Great Divide.

AUCTION! AUCTION!

FOR SALE Lots 1 to 6, block 71, known as the old High school building, will be sold at auction at 10 o'clock a. m., Thursday, July 17, 1890. Terms: ⅓ cash; ⅓ 1 year; ⅓ 2 years at 8 per cent

INVESTMENT! INVESTMENT!

Investment safe and sure. House for sale, now rented on two years lease to responsible party; house well located so money coming in positive for the next two years; house 4 rooms; on south front lot 50x100; water in house, lots of closet room; cement cellar floor; rents for $[illegible] per month; can be bought for $2100.

HENRY BROADHURST AGENCY, 25½ N. Tejon Street.

PROF. THEO. WEDDERIN,

Has started his embroidery classes. Those ladies who wish to take lessons should call at once. Samples at Boulder House Hotel. g 8 tf

BUSINESS CHANCE.

An excellent opportunity now offers the right party, to engage pleasantly and profitably in a light business, requiring only small capital. The business is well suited to either intelligent lady or gentleman Reference given and required. Apply at Room 19, Alta Vista. g-8 tf

Go to and get the Great Divide.

W. H. Roby & Co. will receive next week a car load of Novelty Spring work direct from the celebrated Carriage works of R. M. Bingham & Co., Rome, N. Y. This car will contain fancy carts, buckboards and wagons of all descriptions. Everything will be of the latest and nobbiest styles and finish.

g-6-tf W. H ROBY & CO.

HEADEASE is sold by all druggists. f-29 tf

Nice Building lots in Libue from $[illegible] to $[illegible]. BARNES & IRVINE, f-19-tf 104 East Pike's Peak Ave.

The Manitou Park Reporter has left for Aquarium at The Shields Morley Grocery store. Orders left there will be promptly attended to. g-1 tf

The celebrated "CHRISTY" STIFF HAT in LONDON shapes. For sale by PERKINS & HOLBROOK.

Try HEADEASE for headache. f-29-tf

WE HAVE quite a number of my choice lots at Manitou Springs, located right in town and price not up to market value because owner wishes to make a quick sale. We would be pleased to show these lots, or if you call will give full description.

HENRY BROADHURST AGENCY, 25½ N. Tejon Street.

IMPORTANT NOTICE.

OWING TO THE UNEXPECTED BEHAVIOR OF EMPLOYEES, SOME FAMILIES SUPPLIED WITH DAIRY PRODUCTS FROM "HILLHOUSE" WAGONS MAY BE OVERLOOKED IN TO-DAY'S DELIVERY, AND WE WILL CONSIDER IT A FAVOR, IF THEY AT OUR EXPENSE NOTIFY US, TO PREVENT FURTHER DISAPPOINTMENT. "HILLHOUSE" WAGONS ONLY REDEEM HILLHOUSE TICKETS. D. CHISHOLM, MANAGER, BROADMOOR.

TELEPHONES 1, 155, 167. f-15-tf

Nice Building lots in Libue from $[illegible] to $[illegible]. BARNES & IRVINE, f-19-tf 104 East Pike's Peak Ave.

Just received in style in Silverware, Watches and Jewelry. Don't fail to see it if you think of purchasing. D. ASHBY, oldest established jewelr. in town. f-18tf

Cash for Clothing bought, 110 S. Tejon b-18-tf

Good Fresh Butter in any quantities wholesale or retail; also a full line of Groceries at McCleskey's, corner Cascade and Huerfano. f-11-tf

W. A. Davis, Undertaking, 114 N. Tejon.

Hoyt & Poley, finest photographic portraits, 112 North Tejon Street. o-6-tf

YOUR ATTENTION is called to the window of Henry Broadhurst Agency, 25½ North Tejon Street, where you will find photographs of a GENTLEMAN'S HOME, they have for sale. This complete house is located on Tejon Street, has all the conveniences possible to place between your walls, and is offered for sale as owner lives out of town.

Order books for Maitland and Francoville coal, at R Hillhouse, 109 N. Tejon; Knapp's news stand, 1st door south of Postoffice.

UNION ICE & COAL CO. Telephone 31. b-31-tf

HEADEASE never fails to cure headache. f-29-tf

HEADEASE cures headache. f-29-tf

One of the greatest bargains in the real estate market. Eight lots on North Cascade avenue: splendid situation: water: rapid transit, etc. Call at this office for particulars.

OPERA HOUSE!

ONE NIGHT ONLY.

Saturday, July 12th.

Special Engagement of the

Original New York Dramatic Com'y,

In Gillette's Great Military Drama,

Held by the Enemy!

Founded on Incidents of the Civil War.

"FORWARD MARCH,"

"Courage is Half the Battle,"

"DUTY BEFORE LOVE"

ACT I—Drawing room in the McCleery Mansion. The Special Guard.

ACT II—A Cascade in the Fort. A Court Martial.

ACT III—Division Headquarters Under Fire.

ACT IV—The Military Hospital. Passing through the fire.

ACT V Six Months Later. Drawing-room of the McCleery Mansion Held by the Enemy.

POPULAR PRICES.

Seats now on sale at Midland Pharmacy. g-8tf


McIntyre & Meier,

Real Estate, Loans & Insurance

14 N. Tejon St. Bank Blk.

McINTYRE & MEIER.

Careful and accurate in INSURANCE!

Profitable investment in INVESTMENTS!

Reliable in REAL ESTATE VALUES!

Attentive to COLLECTIONS & RENTS!

REAL ESTATE.

14 N. Tejon St.--Bank Block.

Chicago Store.

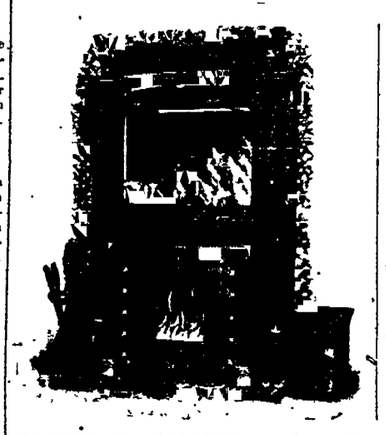
KIOWA STREET WEST OF TEJON STREET

MILLINERY.

Our stock of Millinery is now very complete Best goods at Lowest Prices. Sailor hats and Shade hats, only 25 cents. A full line of Fancy Dry Goods, Toys and all kinds of material for Fancy Work.

Stamping done to order.

P. ERICKSON. b-14-tf



Mantles! Grates!

And TILE,

At home for less money than you can buy them in Denver.

Notice, I am sole agent for the celebrated

ANDREWS "GEM FOLDING-BED."

THE BEST MADE.

CALL AND SEE THEM

JOHN LENNOX, 22 Pike's Peak Avenue.

FASHIONABLE STATIONERY!

Stylish Leather Goods! Croquet Sets! Lawn Tennis! Fishing Tackle Complete! Toilet Sets! Albums, etc.

If there is a any thing you want except hard cash, give us a call. Our prices are as low as the lowest. Our goods strictly first-class. No ratty goods in our stock

"The Novelty," 27½ S. Tejon St.,

I Can Show You a Large Line of

LADIES' OXFORD TIES AND SLIPPERS!

At Very Low Prices.

I will close out my Ladies' Lawn Tennis Oxfords at $2.00. These are very fine goods and worth $2.75.

E. E. GRISWOLD.

Remember My New Location, 27 South Tejon Street.

Lives of great men all remind us
We can make our lives sublime,
And departing leave behind us
Footprints on the sands of time.

The footprints aforesaid will look a great deal better if you buy your SHOES at

The Famous Shoe Store,

No. 20 South Tejon St., Colorado Springs.

Dr. Leonard's Russian, Vapor & Electric Baths

MANITOU SPRINGS.

Cures all forms of Nervous and Chronic Diseases

Only lady Specialist in Colorado (e-22 3m)

JOHN POTTER

13 1-2 S. Tejon St.

Real Estate!

INSURANCE!

MONEY TO LOAN!

FOR RENT.

For the season, in Manitou, six room furnished house Apply

A. W. CONACHER,

ROOM 17, BANK BLOCK,

Colorado Springs.

AMERICAN NATIONAL BANK

Cor. 15th and Larimer Sts

DENVER, COLO.

PAID IN CAPITAL $250,000 00

INTEREST PAID ON TIME DEPOSITS.

L. B. POMEROY, Pres. FRANK CHURCH, Vice Pres. HOWARD EVANS, Cashier. m 22-1y

Enterprise Market House

WILCOX & CO., PROP'S.

(Successors to Curtis Bros.)

DEALERS IN Fresh and Salt Meats, Poultry, Game, Fish, Produce and Fruits. Full line of California and Domestic Canned goods, at bottom prices.

TELEPHONE 36.

Orders by Telephone promptly attended to.

Corner Castilla and Tejon Sts.

No. 9 North Tejon St. MATTHEW KENNEDY No. 9 North Tejon St.

Real Estate :: Insurance :: Loans :: Collections

Central Office for Austin Bluff Property.

The finest Suburban Residence Location combining view of mountain and plain in the state. Beautiful parks, overgrown with large pine trees unequalled as a health location Pure air, pure water, and plenty of it, both for domestic and irrigating purposes. No smoke! No dust! The track of the Electric Car Line is already laid from one of the parks in the center of this property to the city limits. Cars will be running within a few weeks, bringing this property within fifteen minutes' ride from the postoffice. Several fine residences will be erected on this property at an early date. Special Inducements offered for the next 60 days to parties buying lots with the intention of building at once. Why locate in the smoke and dust of our city when such an opportunity is offered? Each lot contains from one to four acres. Specially adapted for fine residences. This location speaks for itself. All that we ask is an inspection of the property before purchasing.

Agent for East Colorado Springs, Grand View and Knob Hill Additions.

CHOICE BUILDING LOTS IN ALL PARTS OF THE CITY.

WE HAVE THE EXCLUSIVE SALE of the choicest south front corners and lots in the market. We make a specialty of first-class properties and can readily show to strangers and others (what every business man knows) that the best is the cheapest.

LOTS ON CASCADE AVENUE --From $250 upward. The street car line is now extended to these additions, and parties looking for low priced homes on the main avenue of our city should examine these properties at once.

Insurance Written in First Class Companies at the Lowest Rates.

FOR RENT—UNFURNISHED.

ELEGANT NEW HOUSE Eleven rooms, bath and all modern conveniences. Everything in first-class shape; good barn, carriage house; corner lot, south and west front. This house has never been rented ...

HOUSE OF EIGHT LARGE ROOMS—North Weber street, newly painted and papered throughout Good bath room and closets; also, carriage house. Corner lot, south and east front ...

OFFICES FOR RENT.

VERY PLEASANT OFFICES In the Midland Block ...

FOR RENT—FURNISHED

FIVE ROOM HOUSE North Weber St, fully furnished ... 50

DESIRABLE 7 ROOM HOUSE On Bijou St; convenient locality; furnished ... 55

FOR RENT—FURNISHED

SEVEN ROOM COTTAGE—North Nevada Avenue; desirable locality and nicely furnished; for rent for 3 months. 75

SIX ROOM HOUSE—North Nevada Avenue, for 3 months ... 50

VERY DESIRABLE 8 room house, North Nevada avenue. This house is new, with all modern conveniences, good barn, etc., nice lawn and plenty of shade trees ...

FOR RENT—FURNISHED.

HOUSE OF SEVEN ROOMS—North Nevada avenue, bath room, etc., complete This property can be rented for four months ...

DESIRABLE SEVEN ROOM COTTAGE East Boulder street near Tejon street. Fully furnished ...

VERY DESIRABLE 11 ROOM HOUSE—North Cascade avenue, fully furnished; also, good barn and carriage house this is on a corner lot in a very desirable location ...

FOR RENT—FURNISHED.

HOUSE OF NINE ROOMS—Bath, etc., complete with laundry, barn, etc East Monument street near Nevada avenue

NEW TWELVE ROOM HOUSE—Including laundry, butler's pantry bath room, etc. Fully furnished and a desirable location on North Nevada avenue ...

VERY DESIRABLE 12 ROOM HOUSE—On Cache la Poudre street near Nevada avenue. Good closets, bath, etc., sewer connection and everything complete. Elegantly furnished throughout ...

HOUSE OF NINE ROOMS—Bath, etc., complete with laundry, barn, etc East Monument street near Nevada avenue

Call at my Office for Location, Prices, etc. We will cheerfully show you Property.

MATTHEW KENNEDY, Real Estate Dealer, No. 9 North Tejon Street.

To Clean Up the Stock Before Going East!

WE WILL OFFER THIS WEEK

Our Line of Fancy Parasols

AT WAY DOWN PRICES.

One case Ladies' Summer Underwear at 15c, or two for 25c.

Blouse waists all marked down to prices to insure quick sales.

In our Suit Department we offer our line of White Vests at a big discount In this department we have just opened a line of Ladies' and Misses' Jersey Suits, which we offer at $2.50, $2 75, $3 25 and $4 00. These are great bargains

A lot of All Wool Dress Goods at 37½c, former price from 50 to 75c.

French Challies at Closing Prices

A big lot of Remnants of all kinds of Carpets

GIDDINGS BROTHERS & BENT,

21 South Tejon Street.

Worth Thinking About

A brick store, with two living rooms, in good business location, for Twenty Dollars a month. A good chance to go into business with little risk. Office of

DENTON & WILSON,

2 N. Tejon Street - Bank Building

WILBUR & WOLF,

22 South Tejon St.

Summer Underwear Sale!

BEGINNING JULY 5.

Everything in Underwear at a Great Discount.

Our Store will be Closed July 4th.

Respectfully,

WILBUR & WOLF.

J. E. JEANNE,

Electrical and Novelty Works,

Will Remove July 1st to

No. 18 WEST HUERFANO ST.

FOR SALE!

BY THE

Henry Broadhurst Agency,

25½ North Tejon Street.

| | | |
|---|---|---|
| HOUSE FURNISHED | | $3,200 |
| " " | | 5,000 |
| " " | | 5,500 |
| " UNFURNISHED | | 1,050 |
| " " | | 2,300 |
| " " | | 3,500 |
| " " | | 2,100 |
| " " | | 5,500 |

S. N. FRANCIS, Notary Public. J. G. O'BRIEN, Attorney-At-Law.

Francis & O'Brien,

The Only Agents for

LITTLE!

Undoubtedly the most desirable and cheapest investment on the market to-day.

Only a Limited Number of Lots For Sale!

126 Pike's Peak Avenue.

J. & T. PALMER,

117 and 119 N. Tejon Street.

Balance Stock of Beaded Wraps, Embroidered Fichues, Shawls, Peasant Cloaks and Blouse Waists at

20 PER CENT. REDUCTION

For Four Days Only.

| WEDNESDAY, July 9. | THURSDAY, July 10. | FRIDAY, July 11. | SATURDAY, July 12. |
|---|---|---|---|

WATCH THESE SALES

D. M. HOLDEN, PRESIDENT. GEO. DE LA VERGNE, VICE P. DAVID HERON, CASHIER.

The Exchange National Bank!

CAPITAL, - - - $100,000.

DIRECTORS

F. R. DOW, W. S. NICHOLS, GEO. DE LA VERGNE, N. O. JOHNSON, D. M. HOLDEN, A. L. LAWTON, D. HERON, K. H. FIELD, J. A. HIMEBAUGH, GEO H. CASE A. S. HOLBROOK a1-1y

Colorado Springs,

PUEBLO AND TRINIDAD!

Investments in Real Estate carefully made in either of the above cities will pay a handsome profit in a few years. Our list of Real Estate in these cities contains some of the choicest vacant and improved properties, among which we have a few special bargains. We make a specialty of handling properties and placing loans in these cities for non-residents, and strangers who will call at our office will be furnished with maps and full information free of charge.

Edward Ferris,

No. 104 Pike's Peak Avenue.